



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

NYPL RESEARCH LIBRARIES



3 3433 07588223 7







A.
GENERAL HISTORY
OF
SCOTLAND,

1086 FROM
THE EARLIEST ACCOUNTS
TO
THE PRESENT TIME.

By WILLIAM GUTHRIE, Esq.

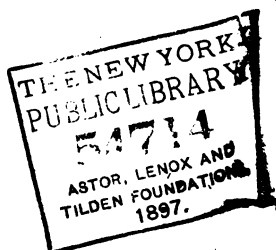
VOLUME THE FOURTH.

L O N D O N,

Printed for the AUTHOR, by A. HAMILTON;
And sold by ROBINSON and ROBERTS, in Paternoster-Row.

MDCCLXVII.

1813.



A GENERAL HISTORY OF SCOTLAND.



JAMES THE SECOND.

THE differences between the partizans of A. D. 1451, the feudal and civil power (that is, between the royalists and Douglasses party) still continued in Scotland. The chancellor, Crichton, was now old, but unimpaired in all his faculties. He declared himself, without any reserve, an enemy to Douglas, as long as he continued to act against law; and he shewed himself, on all occasions, ready to oppose that overgrown nobleman in the field as well as the council. As Crichton's estate and following was not comparable to that of Douglas, he must have depended on the king's support, which proved so powerful, as for some time to overawe Douglas. In 1452, certain ambassadors

A. D. 1452.
Practices of
the earl of
Douglas.

from Scotland resided in England, probably to conciliate some differences between that court and France; and in January this year, the earl of Douglas with his friends, obtained a passport from James to undertake a pilgrimage to Canterbury; but it is remarkable, that in the same passport the bishops of Glasgow, Murray, and Dunblain, are included. This renders it probable, that James had a suspicion of the earl's pretended pilgrimage; and as it was capital for a Scotsman, at that time, to pass the borders without permission, James had inserted Crichton's name in the safe-conduct, that he might be a spy upon the conduct of Douglas and his friends: and in fact the event proved that to have been his intention; for, upon the earl's return to Scotland, James summoned him to attend his court. He knew that this summons had been obtained by Crichton's suggestion; and not only refused to obey, but, if we are to believe the historians of the time, Douglas formed an infamous design to assassinate Crichton. He was impelled to this by one of those sycophants, who always attend a great man, discovering to him what had passed at the council-board, where Crichton did not scruple to blame the lenity that James had shewn to Douglas, and to foretel the melancholy effects which the ambition of the latter might produce, if not timely checked by a vigorous exertion of the laws and government. The earl, understanding that
Crichton,

Grichton, by a certain day, intended to repair to Edinburgh with a slender equipage, ordered some of his attendants, whom Lindsay very properly calls butchers, to way-lay and dispatch him. The brave old man was attended by his son, who first discovered the danger; and by killing one of the villains, and wounding another, who was most forward to attack him, he delivered himself, and escaped to his castle of Grichton: A. D. 1452.

Other actions, of which the earl of Douglas was at this time accused, have marked his memory with indelible infamy. One John Herries, a noble and a loyal baron, had been frequently oppressed by Douglas and his tenants of Douglasdale. Herries had often complained to that earl for redress; but meeting with none, he had attempted to make reprisals on the Douglas estate in Annandale. He was so unfortunate as to be defeated, taken prisoner, and put into irons. The king hearing of the affair, ordered that it should be referred to the course of law; but Douglas, in the mean time, hanged his unhappy prisoner as a common thief. So flagrant a breach of public justice exasperated the king to the highest degree; but, by this time, Douglas had renewed his confederacy with the earls of Crawford, Murray, and Ross, the avowed patrons of the feudal government, and appeared, on all public occasions, with a train of followers that bade defiance to the
royal

His violences and cruelties.

A.D. 1452. royal power. This insolence was detested by the wiser part of the nation; and one Maclellan, who is called the Tutor of Bomby, and was nephew to Sir Patric Gray, captain of the king's guard, refused to give any attendance upon the earl, or to concur in his measures; but remained at home as a quiet subject. This inoffensive behaviour was by the earl considered as treason against himself; and violently seizing upon Maclellan's house and person, he sent him close prisoner to the castle of Douglas. As Maclellan was a gentleman of great worth and reputation, his uncle, Gray, applied earnestly to James in his favour; and such was that prince's regard for Maclellan, that he wrote and signed a letter for his release, addressed to the earl of Douglas. Upon Gray's delivering this letter to Douglas at his castle, the latter seemed to receive it with the highest respect, and to treat Gray with the greatest hospitality, by inviting him to dinner; but, in the mean time, he gave private orders that Maclellan's head should be struck off, and his body exposed upon the green before the castle, covered with a linnen cloth. After dinner, the earl told Gray, that he was ready to obey the king's commands; and conducting him to the green, he shewed him the lifeless trunk, which he said Gray might dispose of as he pleased. Upon this, Gray mounted his horse, and trusted to his swiftness for his own safety; for he was
pur-

purfued by the earl's attendants to the gates of Edinburgh. A.D. 1452.

The confederacy againft James's government was now no longer a fecret. The lords Balveny and Hamilton, with fuch a number of other barons and gentlemen, had acceded to it, that it was thought to be more powerful than all the force the king could bring into the field. Even Crichton advifed James to diffemble. The confederates entered into a folemn bond, and oath, never to desert one another during life; and, to make ufe of Drummond's words, "That injuries done to any one of them, fhould be done to them all, and be a common quarrel; neither fhould they defift, to their beft abilities, to revenge them: that they fhould concur indifferently againft whatfoever perfons within or without the realm, and fpend their lives, lands, goods, and fortunes, in defence of their debates and differences whatfoever." All who did not enter into this affociation were treated as enemies to the public; their lands were deftroyed, their effects plundered, and they themfelves imprifoned or murdered. Drummond fays, that Douglas was then able to bring forty thoufand men into the field; and that his intention was to have placed the crown of Scotland upon his own head. How far he might have been influenced by a fcene of the fame nature that was then paffing between the houfes of York and Lancafter in England, I fhall not pretend

He renews
his confe-
deracy.

A.D. 1452. pretend to determine; 'though I cannot be of opinion, that his intention was to wear the crown himself, but to render it despicable upon his sovereign's head. It is evident, from his behaviour, that he did not affect royalty; for when James invited him to a conference in the castle of Stirling, he offered to comply, provided he had a safe-conduct. This condition plainly implied, that he had no reliance upon the late act of parliament, which declared the proclamation of the king's peace to be a sufficient security for life and fortune to all his subjects; and there is no denying that the safe-conduct was expedited in the form and manner required.

This being obtained, the earl began his march towards Stirling with his usual great following; and arrived there on Shrove-Tuesday. He was received by the king as if he had been the best of his friends, as well as the greatest of his subjects, and admitted to sup with his majesty in the castle, while his attendants were dispersed in the town, little suspecting the catastrophe that followed. The entertainment being over, the king told the earl, with an air of frankness, "That as he was now of age, he was resolved to be the father of all his people, and to take the government into his own hands; that his lordship, therefore, had no reason to be under any apprehensions from his old enemies, Callendar and Crichton; that there was

no occasion to form any confederacies, as the law was ready to protect him; and that he was welcome to the principal direction of affairs under the crown, and to the first place in the royal confidence; nay, that all former offences done by himself and his friends should be pardoned and forgot.”

This speech was the very reverse of what the earl of Douglas aimed at. It rendered him, indeed, the first subject of the kingdom, but still he was controulable by the civil law. In short, upon the king's peremptorily putting the question to him, he not only refused to dissolve the confederacy, but upbraided the king for his government. This produced a passionate rejoinder on the part of James; but the earl represented that he was under a safe-conduct, and that the nature of his confederacy was such that it could not be broken, but by the common consent of all parties concerned. The king insisted upon his setting the example, and the earl continuing more and more obstinate, James stabbed him with his dagger; and armed men rushing into the room, finished the slaughter.

James kills
the earl of
Douglas
with his
own hand.

Such is the manner, divested of a number of invented, superfluous, circumstances, in which this tragedy was acted, according to all the Scotch historians. Prerogative-writers incline to justify James, because he had no legal way of bringing the earl to justice; but I cannot help

Reflection.

A.D. 1452. thinking, that they have misrepresented the affair. What passed between James and the earl was, we are told, in a private room, remote from all company; so that we have the conversation between them only upon the word of James; and indeed the whole seems to have been premeditated. Had the earl, finding himself in the power of James, promised to break the confederacy, and afterwards retracted that promise, the most severe casuist could not have condemned his dissimulation; nor could James imagine that, in the circumstances Douglas then was, he would refuse to comply with all that was required, be it ever so unjust or humiliating. The catastrophe, therefore, must have been owing to premeditation, aided perhaps by intemperance. I give no kind of credit to the report of the last conversation that passed between them. In fact, the rushing in of the armed men gives us no favourable idea of the king's original intention; and we are told, that Sir Patric Gray seconded the king's blow, by cleaving the earl's scull with a battle-ax. It is childish, therefore, for the advocates of James to mention the obstinacy of the earl as the cause of his death. Their best plea is an appeal to the history of government in all ages, whether a subject under a monarchy, guilty of the crimes the earl of Douglas was accused of, might not have been put to death in the manner he was, notwithstanding his safe-

safe-conduct; a disquisition into which I shall not now enter, my province being only to represent facts. Hume, the historian of Douglas, whose principles are far from being in favour of the prerogative, thinks, that the death of Douglas was pre-concerted, and that too by Crichton's advice; and has left us a Latin distich upon that subject *.

The historians of James have remarked in his favour, that the brothers of Douglas were not involved in his fate. We are, however, to observe, that his brother and successor, James, had been bred a clergyman; that he was looked upon to be of a pacific disposition; and that he disliked some of his brother's disloyal proceedings. They who thought so were mistaken. A pair of spurs being conveyed from the castle to the lord Hamilton, gave the party in the town some intimation of the tragedy that had been acted. Sir James Douglas, for so he is called, though a churchman, being now earl by his brother's death, and acknowledged as such, not only by his party, but by the king himself, assembled his friends, and, after exaggerating the murder that had been committed, proposed to invest the castle. Many circumstances induce me to

A civil war ensues.

- Me lætho ante diem, Crichtonus rexque dederunt,
Ille necis causam, præbuit iste manum.

In English.

Crichton and James sped my untimely lot,
One gave the blow, the other laid the plot.

A.D. 1452.

believe, that the soul of the confederacy was fled when the late earl fell; for the insurgents excused themselves, as being too weak for such an enterprize, and were contented with trailing the safe-conduct at a horse's tail, and proclaiming, by trumpets and horns, the king a perjured traitor. They proceeded no farther, and each departed to his own habitation, after agreeing to assemble with fresh forces about the beginning of April. James lost no time in improving this short respite; and found the nation in general much better disposed in his favour than he had reason to expect. The intolerable oppressions of the great barons made his subjects esteem the civil, far preferable to the feudal, subjection, and even the Douglasses were divided among themselves; for the earl of Angus and Sir John Douglas of Dalkeith were among the most forward of the royalists. James, at the same time, wrote letters to the earl of Huntley, and to all the noblemen of his kingdom who were no parties in the confederacy, besides the ecclesiastics, who remained firmly attached to his prerogative. Before the effect of those letters could be known, the insurgents had returned to Stirling (where James still wisely kept himself upon the defensive) repeated their insolences, and the opprobrious treatment of his safe-conduct; and at last they plundered the town, and laid it in ashes. Being still unable to take the castle, partly thro' their

their own divisions, and partly through the diversity of the operations, they were obliged to supply, they left Stirling, and destroyed the estate of Sir John Douglas of Dalkeith, whom they considered as a double traitor, because he was a Douglas and a good subject. They then besieged his castle, which was so bravely defended by Patric Cockburn, a gentleman of the family of Langton, that they raised the siege, and gave the royal party farther leisure for humbling them. A.D. 1452.

All this time, the unhappy country was suffering the most cruel devastations; for matters were now come to such extremity, that every man must be a royalist or a rebel. The king was obliged to keep on the defensive; and though he had ventured to leave the castle of Stirling, he was in no condition to face the rebels in the field. They were in possession of all the strong passes, by which his friends were to march to his assistance; and he even consulted with his attendants on the means of escaping to France, where he was sure of an hospitable reception. He was diverted from that resolution by bishop Kennedy and the earl of Angus, who was himself a Douglas, and prevailed upon to wait for the event of the earl of Huntley's attempts for his service. That nobleman, who was descended from the Seatons, but by marriage inherited the great estates of the Gordons in the North, had raised an army for James, to whose family

Its devastation.

A. D. 1452. family he and his ancestors, by the Gordons as well as the Seatons, had been always remarkably devoted. James was not mistaken in the high opinion he had of Huntley; and in the mean time he issued circular letters to the chief ecclesiastics and bodies-politic of his kingdom, setting forth the necessity he was under to proceed as he had done, and his readiness to protect all his loyal subjects in their rights and privileges against the power of the Douglasses and their rebellious adherents. Before those letters could have any effect, the rebels had plundered the defenceless houses and estates of all who were not in their confederacy, and had proceeded with a fury that turned to the prejudice of their cause.

Battle of Brechin gained by the royalists.

The indignation which the public had conceived against the king, for the violation of his safe-conduct, began now to subside; and the behaviour of his enemies in some measure justified what had happened, or at least made the people suspect, that James would not have proceeded as he did without the strongest provocation. The forces he had assembled being unable, as yet, to act offensively, he resolved to wait for the earl of Huntley, who, by this time, was at the head of a considerable army, and had begun his march southwards. He had been joined by the Forbeses, Ogilvies, Lesliees, Grants, Irwines, and other relations and dependents of his family; but having advanced as far as Brechin, he

he was opposed by the earl of Crawford, the chief ally of the earl of Douglas, who commanded the people of Angus, and all the adherents of the rebels in the neighbouring counties, headed by foreign officers. The two armies joining battle on the eighteenth of May, victory was for some time in suspense; till one Coloss of Bonnymoon, on whom Crawford had great dependence, but whom he had imprudently disobliged, came over to the royalists with the division he commanded, which was the best armed part of Crawford's army, consisting of battle-axes, broad-swords, and long spears. His defection fixed the fortune of the day for the earl of Huntley, as it left the center flank of Crawford's army entirely exposed to the royalists. He himself lost one of his brothers, and fled with another, Sir John Lindsay, to his house at Phinhaven, where it is reported that he broke out into the following ejaculation: "That he would be content to remain seven years in hell, to have, in so timely a season, done the king his master that service the earl of Huntley had performed, and carry that applause and thanks he was to receive from him." Those expressions, if true, shew that Crawford was no rebel in his heart, and that he only acted in consequence of those engagements, which he thought his honour could not dispense with.

No

A. D. 1452.

No author informs us of the loss of men on either side, though all agree, that it was very considerable upon the whole. The earl of Huntley, particularly, lost two brothers, William and Henry; and we are told, that to indemnify him for his good services, as well as for the rewards and presents he had made in lands and privileges to his faithful followers, the king bestowed upon him the lands of Badenoch and Lochaber.

An unlawful
affiliation
by
many great
lords.

The battle of Brechin was not immediately decisive in favour of the king, but proved so in its consequences. The earl of Murray, a Douglas likewise, took advantage of Huntley's absence to ravage and harass the estates of all the royalists in the north; but Huntley returning from Brechin with his victorious army, drove his enemy into his own county of Murray, and afterwards expelled him even from thence. James was now encouraged by the advice of his kinsman, Kennedy, bishop of St. Andrew's, to whose firmness and prudence he was under great obligations, to proceed against his rebels in a legal manner, by holding a parliament at Edinburgh, to which the confederated lords were summoned; and upon their non-compearance they were solemnly declared traitors. This proceeding seemed to make the rebellion rage more fiercely than ever; and at last, the confederates, in fact, disowned their
alle-

allegiance to James. The earls of Douglas, A. D. 1454.
 Crawford, Ormond, Murray, the lord Balveny,
 Sir James Hamilton, and others signed, with
 their own hands, public manifestos, which
 were pasted on the doors of the principal
 churches, importing, " That they were re-
 Drammond.
 solved never to obey command or charge, nor
 answer citation for the time coming, because
 the king, so far from being a just master, was
 a blood-sucker, a murderer, a transgressor of
 hospitality, and a surprizer of the innocent."
 It does not appear, that those and the like atro-
 cious proceedings did any service to the cause
 of the confederates. The earl of Huntley con-
 tinued victorious in the North, where he and
 his followers, in revenge of the earl of Murray's
 having burnt his castle of Huntley, ravaged or
 seized all that nobleman's great estate north of
 the Spey. When he came to the town of For-
 res, he burnt one side of the town, because it
 belonged to the earl, and spared the other, be-
 cause it was the property of his own friends.
 James thought himself, from the behaviour of
 the earl of Douglas and his adherents, now war-
 ranted to come to extremities; and marching
 into Anandale, he carried fire and sword through
 all the estates of the Douglasses there. The
 earl of Crawford, on the other hand, having
 now recruited his strength, destroyed the lands
 of all the people of Angus and elsewhere, who
 had abandoned him at the battle of Brechin;

A.D. 1452. though there is reason to believe, that he had already secretly resolved to throw himself upon the king's mercy.

Nothing but the most obstinate pride and inveteracy could have prevented the earl of Douglas, at this time, from taking the advice of his friends, by returning to his duty; in which case, James had given sufficient intimations, that he might expect pardon. He coloured his contumacy with the specious pretext, that his brother's fate, and those of his two kinsmen, sufficiently instructed him never to trust James or his ministers; that he had gone too far to think now of receding; and that kings, when once offended as James had been, never pardoned in good earnest. Such is the chief reasoning, with others of less consequence, which Drummond has put into the mouth of Douglas at this time. James, after his expedition into Anandale, found the season too far advanced to continue his operations; and returning to Edinburgh, he marched northwards to Angus, to reduce the earl of Crawford, who was the second rebel of power in the kingdom. That nobleman had hitherto deferred throwing himself at the king's feet, and had resumed his arms, in the manner I have related, only in hopes of himself and his party obtaining better terms from James. Perceiving that the earl of Douglas's obstinacy had cooled some other lords of the confederacy, and had put an end to all hopes of a treaty, he

resolved to make a merit of breaking the confederacy, by being the first to submit. James having arrived in Angus, was continuing his march through the country, when the earl and some of his chief followers fell on their knees before him on the road, bare-headed and bare-footed. Their dreary looks, their suppliant postures, and the tears, which streamed abundantly from the earl, were expressive of the most abject contrition *, which was followed by a penitential speech made by the earl, acknowledging his crimes, and imploring forgiveness.

A.D. 1452.

The earl of Crawford submits.

James was then attended by his chief counsellors, particularly bishop Kennedy, who, he resolved, should have some share in the favour he meant to extend to the earl. He asked their advice, which proving to be on the merciful side, James promised to the earl and his followers restitution of all their estates and honours, and full pardon for all that had passed. The earl, as a grateful retribution of this favour, before the king left Angus, joined him with a noble troop of his friends and followers, and attending him to the North, was extremely active in suppressing all the remains of the rebellion there †. It is certain, that the submission of

* Lindsay of Pittscottie, who was of the same name, and perhaps of the same family, with the earl, has put into his mouth a very long speech on this occasion, in which, among other things, the antiquity of the Lindseys, and their illustrious actions, are amply recounted.

† The Scotch historians who wrote before the publication of Mr. Rymer's *Fœdera*, are very defective in the chronology of this

A.D. 1453. the earl of Crawford was followed (but we know not upon what terms) by that of the earl of Douglas; for though the Scotch historians have, without any interruption, prolonged the intestine troubles of Scotland through the two following years, yet on the eighteenth of April 1453, king James appointed James earl of Douglas and Anandale, lord of Galloway, Richard abbot of Dumfermling, and Robert Liddel of Balmure, to go to England in the quality of ambassadors. On the twenty-third of May following, it was agreed, that the truce should be prolonged to the first of May 1457, and as long after as the two kings should agree on; but under the same restrictions and protestations as had attended the last treaty, the earl of Douglas himself entering a protestation for his king's interest in the debateable lands.

A treaty
with Eng-
land.

Rebellious
behaviour
of the earl
of Douglas.

I have already mentioned the late earl of Douglas having, against the canons of the church, married his kinswoman, Margaret, commonly called the Fair Maid of Galloway; and I must now resume her history. Beatrix countess of Douglas and Anandale, mother to the earl of Douglas and his brother, had, soon after the death of the latter in Stirling, gone to England, and carried with her her daughter-in-law, the Fair Maid of Galloway, who, in the passport they obtained from the English

this period, which I have endeavoured to rectify from that collection.

court,

court, is called countess of Douglas and Anandale, and lady of Galloway. There they resided till this year. It is probable, that the earl of Douglas had solicited his commission to be sent ambassador to England, that he might have an opportunity of carrying off the Fair Maid, his sister-in-law, and her great fortune. He had for some time been soliciting the pope's dispensation for this match, on pretence that the marriage with his brother never had been consummated; but meeting with a repulse at the court of Rome, he resolved to avail himself of the ascendancy which his mother, the countess Beatrix, had over the Fair Maid her daughter-in-law. Whether any form of marriage between them was observed does not appear; and it is most probable, that the lady insisted, before she gave her consent, upon his obtaining the dispensation; but that James was entirely a stranger to the intrigue. The earl had many reasons for keeping the secret, and for being his own solicitor at the court of Rome. He pretended a pilgrimage to expiate his offences; and intending to go through England, he obtained passports for himself and the following persons: Archibald Douglas earl of Murray, Hugh Douglas earl of Ormond, John Douglas lord of Balveny, Mr. John Clerk, rector of Kirkbride, John Shaw, Mark Haliburton, John Frazer, and John Uthred, chaplains; Mr. William Harris, rector of Kirkpatrick, lord James Douglas,

A. D. 1453.

His pilgrimage.

A. D. 1453.

Douglas, provost of Dalkeith, and David Ford; as also James lord Hamilton, knight, James lord of Livingston, Archibald Dundas, Gavin Hamilton, provost of Bothwel, John Hamilton, Robert Hamilton, David Fleming, William Baillie, Thomas Forrest, William bishop of Glasgow, and many more in his company.

I am inclined to think, that this splendid pilgrimage never took place, and that the earl of Douglas, losing all hopes of the dispensation, had obtained the passports, that he and his friends might have an opportunity of strengthening their party, by forming connections at the English court. All we know for certain is, that the Fair Maid, either by compulsion, or persuasion of her mother-in-law, resigned herself to the earl's arms. Whether any ceremony of a marriage was as yet performed does not appear, and the fact is immaterial. All the faction of the Douglasses being then in England, their intrigues were not so secretly managed as to be unknown to James. He called a parliament at Edinburgh, at which the earl of Douglas, his mother, and his brothers, were summoned to attend, but without any effect; upon which, they were forfeited, and condemned to death*. It is, as I hinted before, of no consequence, whether a form of marriage had or had not

* Pitfcottie says that the Fair Maid was summoned likewise, under the title of the earl of Douglas's brother's wife, and pretended wife to himself.

been

been celebrated between the earl and the Fair Maid, because it must have been invalid, and considered, in the eye of the law, as not existing. When the parliament was over, the king offered to restore that earldom to James Crichton, who had married the eldest daughter of the earl of Murray; but he refused it, on account of the great opposition he must expect, and the unpopularity he must incur by accepting it. His son, George Crichton, was, in recompence of his father's self-denial, created earl of Caithness, as William Hay, then constable of Scotland, was earl of Errol; and Darnley, Hales, Boyd, Lisle, and Lorn, all of them persons of great distinction, were created barons of parliament, which gave them no superior rank to what they had before, but that they might sit there without being elected.

James having thus strengthened his government, proceeded to execute the acts of the late parliament. Having raised an army, he marched first into Galloway, which submitted to him without opposition; but proceeding to Douglassdale, he met with such resistance, that he gave up the country to military execution. By this time, the earl of Douglas was at the head of a great army, and resolved to fight the king, who was preparing to besiege Abercorn, which was the strongest of the earl's forts. Lindsay of Pitscottie informs us of some facts which happened at this time, and are omitted

1454.
He submits to the royal authority.

by

A.D. 1454 by other historians who wrote before him. He says, that the earl of Douglas sent Sir James Hamilton, who was now the leading man of the party under himself and his brothers, to England, to solicit support of men and money; but he obtained only the latter, by which he raised three hundred horse, and three hundred foot, who were to be under his own command; and that the earl summoned all his friends, tenants, and dependents, to meet him at Douglas within ten days, to bring along with them twenty days provisions, and from thence to march to raise the siege of Abercorn. The same author represents James as being, at this time, totally void of spirit and conduct; and that throwing himself into a small vessel, he sailed to St. Andrew's, to take the advice of his good friend, bishop Kennedy. Before his departure (if I rightly understand this author) he had industriously given out, that, despairing to make head against Douglas, he would seek refuge in foreign parts; and that Douglas, believing the report, had relaxed in his preparations, which gave an opportunity to the earls of Orkney and Angus to invest the castle of Abercorn with six thousand men. Bishop Kennedy, who seems to have been as sound a politician as he was a faithful subject, advised his majesty to divide his enemies, who were connected together by no common principle but that of self-preservation; and
to

to offer pardon and protection to all who should return to their duty. A. D. 1454

This account, divesting it of some tawdry circumstances, agrees with what we are told by other historians. The king erected his standard at St. Andrew's, marched from thence to Falkland, and ordered all the forces of Fife, Angus, and Strathern, with those of the northern parts, to rendezvous by a certain day at Stirling, which they did to the number of thirty thousand. Those vigorous proceedings, together with the proclamations of pardon, rousing the earl of Douglas from his security; he collected all his force, which amounted to forty (some say sixty) thousand men, on the south side of the river Carron, near the place where the famous temple of Terminus stood, half-way between Stirling and Abercorn. The earl, it must be acknowledged, was in a dangerous situation. Whether he marched to fight the king, or to raise the siege, he must have had an army in his rear; but it is plain, from the complexion of history, that this was not the only consideration that deterred him from fighting. Bishop Kennedy had a great influence over Sir James Hamilton, with whom he kept up a secret correspondence, by which he gave them assurance of the king's gracious dispositions towards him, if he would return to his duty. The conduct of Sir James, on this occasion, shewed him a man both of sense and

A.D. 1454. honour. He saw that the bulk of Douglas's army disliked the cause they were engaged in; and he knew that the earl himself was secretly of the same opinion. He repaired to the earl, and told him, " That as he never could be at the head of a more numerous army, so he never could have a more favourable opportunity of fighting a decisive battle with his sovereign; and that he would find it extremely difficult to keep his army longer together." The earl answered him with that spirit which was peculiar to his blood, " That if he (Hamilton) was either tired or afraid, he might be gone."

being de-
serted by
Sir James
Hamilton.

When they were yet in conversation, a herald arrived from the king's army, and in the hearing of the rebels charged them to repair to their respective homes, under the penalties of high-treason. The earl ordered the herald's voice to be drowned by the clamour of his trumpets; but he soon perceived, in the embarrassed, dejected, countenances of his followers, that they understood the purport of the royal message. The king's army advanced in firm and good order, with banners displayed, and no time was to be lost. In short, the earl, irresolute how to proceed, ordered a retreat to be sounded, and encamped his army at a small distance from that of the royalists. During the night-time, Sir James Hamilton, as the reader may easily suppose, carried his division over to the king's army, and threw himself at his feet; but

but was confined, for the sake of appearances, A.D. 1454.
 during a few days, in the castle of Roslin.
 Next morning, the earl of Douglas found
 himself abandoned by all his numerous army,
 excepting his nearest friends and domestics,
 the whole not amounting to above an hundred
 men, with whom he retired towards England.
 The consequence was, the castle, which was
 deemed to be almost impregnable, was taken
 and demolished.

The history of this rebellion gives us great
 insight into the character of James and his go-
 vernment. His submitting himself to the di-
 rection of two such men as bishop Kennedy
 and the lord Crichton, is an evidence of his
 good sense; and few instances are to be found
 in history, of a rebellion so dangerous and so
 seemingly desperate, being quelled without
 bloodshed, especially after the provocations
 which the rebels had received by the death of
 their chief. This was owing to the reverence of
 the inhabitants of the Scotch Lowlands for the
 civil government, while it was exercised by
 law. They saw James, by taking the advice
 of his parliament in every measure he pursued,
 endeavouring to cure the unhappy wound his
 dagger had inflicted upon Douglas, while the
 general behaviour of the insurgents was as bar-
 barous as it was illegal. Even the great feudal
 powers which the confederated lords exercised
 over their inferiors, and which were inconsistent

Flourishing
 state of the
 govern-
 ment.

A.D. 1454. with the maxims of true policy, and a government limited by laws, could not reconcile them to the cause they were engaged in, while their sovereign took the field as the guardian of those laws, which, as I shall demonstrate, were generally on the side of public liberty, and calculated for the protection of the people against the tyranny of their superiors. As to the apologies made by historians who favour the house of Douglas, they are frivolous; for it is plain, that neither patriotism nor moderation had the least influence on that earl's conduct. He had, before this time, become a subject of England by swearing allegiance to king Henry; and his former behaviour, when he was offered pardon and indemnity, with the secure enjoyment of his estates and honours, all which he rejected, leaves us no room to doubt of the principles on which he acted. In short, the lord Hamilton, who appears to have been a man of great penetration, soon perceived, that the common people would not stand by their chiefs in a pitched battle; and it is acknowledged by most historians, that they no sooner saw the royal banners displayed against them in the field, than they seemed irresolute and dejected. The subsequent behaviour of the earl of Douglas is, however, the best confutation of those apologies. As to the behaviour of Hamilton, I believe it to have been influenced by motives merely personal and political,

Rymer, vol.
XI. p. 381.

litical, and that the only reason why he submitted to the king was, because he plainly perceived that Douglas could not defend himself. A.D. 1455.

The earl of Douglas having escaped to Anandale, he had no great difficulty in raising such a number of his own tenants, out-laws, robbers, and borderers, that he was once more at the head of an army, and renewed his depredations upon the estates of the royalists. They were encountered by the earl of Angus, who, though a Douglas, continued firm in the interest of the king, to whom he was nearly related by his mother Mary, a daughter to Robert the third. This earl assembled a body of men, consisting of the Maxwells, the Scots, and the Johnstons; and attacking the rebels near Ancram Muir, entirely defeated them. In this engagement the earl of Murray, brother to the earl of Douglas, was killed; but another brother, the earl of Ormond, the same who had so bravely won the battle of Sark, was taken prisoner. The earl of Douglas himself, and his third brother, the lord Balveny, escaped with great difficulty to an adjacent wood. The number of slain is not mentioned in history; and James took care to reward those gentlemen who had distinguished themselves on his side. Particular mention is made of Sir William Carlyle of Torthorald, and Sir Adam Johnston of Johnston.

The earl of
Douglas
defeated.

The

A. D. 1455.
His brother, the
earl of
Ormond,
beheaded.

The earl of Ormond was sent prisoner to Edinburgh, where he was tried and executed for treason; for which Hume, the author of the history of Douglas, obliquely reflects upon James for his ingratitude. How unjust such an insinuation is, must appear to every one who is in the least conversant with history, where he will find, in every country, instances of the greatest merits being cancelled by subsequent offences, and the authors punished accordingly; not to mention how nobly the family of Douglas (the head of which then directed the affairs of Scotland) was rewarded for the victory of Sark. According to Scotch authors, the earl of Douglas and his brother, after in vain endeavouring to return to England, fled to the earl of Ross, the hereditary enemy of the kings of Scotland. A paper that has been published by Mr. Rymer, containing a grant from Henry the sixth of a yearly pension of five hundred pounds, gives some reason for believing, that he found means to escape to the English court, and affords us no very high idea of that government's good faith. It is, in the mean while, observable, that Henry the sixth was a prisoner to the duke of York, who then managed the whole affairs of the kingdom; and Henry is therefore not answerable for public transactions. Douglas possibly had the same views upon the crown of Scotland, as the duke of York

York soon after made good upon that of England. That, the connections between them were strong, appears from the words of the grant, "That the pension was for good services to be done, and till the earl of Douglas should recover all or part of the estate taken from him by the person who calls himself king of Scotland." The views of the duke of York, in this proceeding, were undoubtedly to foment the civil dissensions of Scotland, without regard to the earl of Douglas's interest; and to disable James from assisting the house of Lancaster, which was now on the brink of ruin. I shall now attend to civil affairs.

On the ninth of June this year, a parliament was summoned to meet at Edinburgh; and its proceedings will more than justify all I have said concerning the spirit of liberty (but under a regulated constitution) which inspired the Scots of those days. The long minority of the king, the partiality of his ministers, and perhaps his own distresses, had brought the real power and revenues of the crown, at this time, so low, that it had been upheld only by the principles of self-preservation in the subject. Many writers call this principle loyalty; but it was a loyalty that had no reference to the person or the power of the king, farther than as both co-operated in maintaining the freedom of the constitution, which was threatned to be abolished

Proceedings
of parliament
against
the earl of
Douglas.

A.D. 1455. lished by the votaries of the feudal law *.

This parliament, after it met, confirmed the sentence of forfeiture which had been formerly pronounced against the earl of Douglas, his mother, brothers, and abettors; and here I am inclined to fix a very extraordinary incident. I have already mentioned the cohabitation of the Fair Maid of Galloway with the earl of Douglas. Whether she was influenced by the dislike she had for his person, or by the terms on which they lived together, or by both, it is certain that she made an elopement from him, returned to Scotland, threw herself at the king's feet, and pleaded that all she had done had been by compulsion; but resigned herself and her fortune to the king's pleasure. As James was at this time in full possession of all the estates of the Douglasses, and probably intending to keep them, he did not choose to part either with her person or fortune. The first he bestowed upon his uterine brother, whom soon after he created earl of Athol; and kept the second to himself, assigning her, at the same time, the great lordship of Balveny in dowry. Our historians, however, are mistaken in saying, that the gift of that lordship was

* It is extremely remarkable, that most of the provisions in this parliament were abolished or disused; but the revival of them has been found necessary since the Revolution, particularly under the family of Hanover. The abolition of hereditary jurisdictions did not pass the British parliament till after the year 1745.

made to her by way of exchange for Galloway; A. D. 1455. for it appears, by a charter now in the Athol family, that it was vested in the earl, and the heir male procreate between him and Margaret his spouse; which failing, in the heirs whatsoever of the earl's body, to revert to the crown. All therefore that James meant in giving the earl that lordship, was to indemnify him for the loss of his wife's fortune; for her daughters neither did, nor could, possess it. From the whole relation of this affair it appears, that the king, parliament, and church of Scotland, had not the least regard to any marriage, whether real or pretended, between Margaret, the Fair Maid, and the earl of Douglas.

The parliament which met on the ninth of June being adjourned to the fourth of August, re-assembled at that time. The profest intention of the members was to give a severe blow to the feudal system, but, at the same time, to provide for the dignity of the crown in such a manner, as that the king and all his successors must look upon the laws as their superior; and to provide a barrier against the tyranny, weakness, madness, or ambition, of the reigning prince. For those purposes they passed the following remarkable act:

“ Forasmuch as the poverty of the crown is often the cause of the poverty of the realm, and is the occasion of many inconveniencies, which it would be tedious to express; by the

An act of
resumption.

A.D. 1455.

advice of the full council of parliament, it is statuted and ordained, that there be lordships and castles inseparably, and for ever annexed to the crown, in every part of the kingdom, for the king's residence, wherever he shall chance or think fit to be; the which castles and lands may not be given away to any person, of whatsoever rank or quality, without advice, deliverance, and decreet of the whole parliament, and for great reasonable causes. And although our sovereign lord that now is, or any of his successors, should alienate or give away any of the said lordships, lands, and castles, all such alienations and dispositions are hereby declared void and null; inasmuch that the reigning king may lawfully retake or seize upon the lands so alienated, when he pleases (whenever him lykis) to his own use, without any process, or form of law; and the persons who did thus unwarrantably possess them, be obliged to refund to the king all the profits or revenues which they enjoyed while they were in possession. And it is farther enacted, that our sovereign lord that now is, oblige himself by an oath, which is also to be taken by all his successors, kings of Scotland, at their coronation, to observe this statute in all its parts."

The parliament proved to be above the prerogative.

This statute needs no commentary to prove, that the parliament who passed it thought itself paramount to the prerogative. The ideas which its members had of true liberty, distinguished

A. D. 1455.

guished from the ferociousness of the feudal institutions, are still better exemplified by the subsequent acts of the same parliament. In the preceding part of this history, the reader will easily perceive the reasons for the following regulations. It was enacted, "That no office, especially that of guardian of the marches, should be hereditary; that all such offices as had been given since the decease of the late king to any in fee and heritage, except that of guardian of the marches, granted by the king to his son Alexander, earl of March and Anandale, should be revoked; and that no lands should be erected into regalities without consent of parliament." It was by the same parliament put out of the power of the king to make the smallest alteration in those provisions; and he was laid under the most severe restraints (for which we must refer to the acts themselves) to prevent any abuse of his power; as if his states intended to make him sensible, that his high rank entitled him to no more pre-eminence, than that of being the first servant of his people. It is within the province of law, rather than of history, to illustrate the other public-spirited statutes, all tending to the establishment, but at the same time to the bounding, of the regal authority, which passed in this patriotic parliament.

See Black Acts.

It was adjourned to the twelfth of October, when it met at Stirling, where their military

Precautions against a war with England,

A.D. 1455. ordinances were as wise and remarkable as their civil had been. Certain advice having arrived there, that the English intended to renew hostilities, the parliament passed the following ordinance, which must be very entertaining to such of my readers as want to be informed of the manner by which the Scotch patriots thought they could best provide against an English invasion. "In the first place, they thought it speedful (that is, it was their advice) that fit persons should be appointed to guard the passages betwixt Roxburgh and Berwic, and to watch at certain places and fords of the river, in order to discover and advertise the country of the approach of an enemy, which they were to do in this manner: They, for example, who watched at the ford near Hume, upon the enemy's approach, were to make a bail, that is, set on a great fire, at Hume, which being seen by the neighbouring country, bails were in the same manner to be made at Dunbar, Haddington, Dalkeith, the castle of Edinburgh, Stirling, Dumbarton, &c. as also at Eggerhope-castle, Soltray-edge, and on the sea-coasts, as at Dunpender-law and North-Berwic-law. By one bail or fire thus set on, the country was to understand that the enemy was at hand; who, if he seemed considerably strong, in that case, two bails were to be set, like two candles together; or three or four, according to the exigence and danger that might

might be threatened. By this means it was easy to advertise most part of the kingdom, within a few hours, of the approach and strength of an enemy, before it was possible for them to pass the Tweed: and then, continues the record, considering their far passage (great distance) we shall, God willing, be as soon ready as they; all people by west of Edinburgh being thereby warned and commanded to draw to Edinburgh, and from Edinburgh east to Haddington."

Other precautions for the safety of the borders against the English were taken in the same parliament. The east borders were to be provided with garrisons, consisting of two hundred spears and two hundred bows. Those on the west were to contain a hundred spears, and as many bows; and the expence of the whole was to be defrayed by an equal assessment of the landholders, which was to be sent to the exchequer by the sheriffs. Every gentleman or baron was obliged to keep his house in tenantable repair, so as to resist any sudden surprise; and to maintain a number of able-bodied men, if called upon to the field, against the common enemy.

and for the
safety of the
borders.

While the legislature were making those provisions against the English in the South, the throne of James was shaken in the North. The earl of Ross (the history of whose family is impenetrable at this time) renewed his claims

The earl of
Ross sub-
dued.

of

A.D. 1455. of independency upon the crown of Scotland; and carried it so far as to declare himself king of the Isles, if we are to believe some authors, whose credit I can see no reason to doubt. He was in the North what Douglas was in the South, a professed champion for the feudal government; and he considered the acts of the civil power as invasions of his property, some part of which had been by the late statutes annexed to the crown. His presumption, if possible, exceeded that of Douglas, with whom he kept a close correspondence; but he was incapable of friendship, because he imagined he had no equal. It is thought, and not without reason, that he was encouraged by the English; for, in the beginning of the year 1456, he raised an army, which must have been considerable, because it over-ran Argyle, Lochaber, part of Murray, and the isle of Arran. He drove the bishop of the Isles out of his diocese; he took and laid in ashes the castle and town of Inverness; and nothing but the inability of the earl of Douglas and the English to support him, stopped his barbarous progress. The earls of Northumberland and Douglas were now acting in concert, and had invaded the borders; but were defeated by the earl of Angus and Sir James Hamilton, the same who had been formerly so much attached to Douglas. The news of their defeat disconcerted the earl of Ross; and his lady, who was a favourite

volunteered with James, and daughter to lord Livingston, had the address, in imitation of the countess of Douglas, to be taken under the protection of James, against the barbarous usage (as she pretended) of her husband. Her distress, whether real or fictitious, mollified James; and, by what appears in history, she at last procured her husband's pardon. I am, however, inclined to believe, that some circumstances interposed which have not come to our knowledge, and that the earl's pardon was owing rather to a treaty than a submission. Lindsay of Pitscottie says, that James having been instrumental in the marriage between this lady and the earl, gave her a separate estate, on which she subsisted according to her quality.

Though the vigour and wisdom of the king Civil broils. had subdued faction, he could not extinguish its spirit. One Thornton, who had been a domestic about court, but a partizan of the Douglasses, killed (we are told treacherously) Sir John Sandilands of Calder, and Allan Stuart, a person of considerable distinction; but the police of the government was then on so excellent a footing, that the murderer and his accomplices were immediately apprehended, and publicly executed. This year was fatal to several of the great Scotch nobility, particularly to Hay, the earl of Errol, Creighton earl of Caithness, to William lord Crichton, formerly chancellor, a wife and an intrepid statesman, and the earl of

Craw-

A.D. 1456. Crawford, besides several other persons of note. On the twenty-second of July this year, the earl of Douglas, though entirely ruined in Scotland, was in so great consideration at the court of England, that his pension was renewed. This was owing partly to his having submitted to be a subject of England, and partly to the interest he still had in the borders; but the firmness of James defeated all his hopes of being restored to his family-estates.

Good agreement between James and his parliament.

The king, who may be properly stiled a patriot-monarch, persevered in his wise resolution of making the laws and the advice of his parliament the measures of his government. Few of his predecessors had ever been in a more desirable situation than he was at this time; and on the nineteenth of October he again called his parliament, to lay before it the state of his kingdom. A pestilence had already made some progress in Scotland; and the wisest precautions were made use of to prevent its spreading. Proper measures were taken for the due administration of justice. The coinage was reformed; the internal commerce of the kingdom, in holding fairs and markets, was regulated; but, above all, the borders, which had cost the kingdom such deluges of blood, were put in a proper state of defence. The members were no strangers to the distracted state of England at this time, when the disputes between the houses of York and Lancaster were at the highest; and therefore they

they were of opinion that their country had nothing to apprehend from that quarter. Among the other excellent regulations of James, he had habituated his borderers to the cultivation of lands, which had relieved them from the necessity of preying either upon the English or their own countrymen. Notwithstanding those precautions, this parliament established a regular militia, that was to be always in readiness in case of an invasion. Wappinshawings, or musterings, were appointed to be held once a month; and all able-bodied males, between the ages of sixteen and sixty, were ordered to be provided according to their several ranks with horses and armour for the field. The king was empowered to oblige (for the word, request, signifies no other) the greater towns to provide artillery and ammunition, and likewise engineers and other workmen for managing and conducting the train. Other excellent regulations, with regard to peace and war, were made by the same parliament; and it is to be lamented, that proper care has not been taken to transmit their acts to posterity. Enough, however, remains to give us an high idea of the government of James, and to prove the noble dispositions he made for abolishing the barbarities entailed by the feudal times upon his subjects.

Scotland, at this time, seems to have enjoyed a profound tranquility, which James employed

VOL. IV.

G

to

1457.
His excellent domestic regulations.

A.D. 1457. to the best of purposes, that of accustoming his subjects to the habits of civil life. On the eleventh of June, 1457, the Scotch and the English plenipotentiaries met at Coventry, where they agreed to a truce from the sixth of July following to the sixth of the same month, 1459. The Scotch commissioners were, Patric lord Graham, Mr. Thomas Vaus, dean of Glasgow, and secretary of state, and George Finlaw, merchant; the conservators of the peace being the earls of Athol, Ross, Angus, Huntley, and Caithness; the lords Somerville, Maxwell, Montgomery, Gray; Sir David Hume, Alexander Hume, Walter Scot, Thomas Cranston of Cranston, John Johnston of Johnston, Ormiston of Ormiston, Rutherford of Rutherford, Ker of Cesford, Murray of Cockpool, Carlisle of Thorthorwald, and others. This negotiation being finished, he called another parliament at Edinburgh on the sixth of March, 1457-8. The proceedings of this parliament are extremely remarkable, and throw great lights upon the exercise of jurisprudence in Scotland before the institution of the present court of session. According to the ideas we can form, justice was then administered by rotation of the nobility, clergy, and burghesses. The judges were appointed to sit, during the space of forty days, three times in the year, at Edinburgh, Perth, and Aberdeen. The lords appointed to sit at Aberdeen were the bishop of Ross, or Caithness, or Murray, the abbot

1457-8.

Aber-
cromby.

abbot of Deir-dein, now Deny-deir, and Mr. A.D. 1458.
 Walter Idill, for the clergy; the earl of Errol,
 the lord Glamis, and the lord Forbes, for the
 barons; John Fife, Andrew Menzies, and Wal-
 ter Thompson, for the boroughs. They who
 had commission to sit in the second session at
 Perth, were the bishop of Dunkeld, the abbot
 of Lindores, and the archdean of St. Andrew's,
 for the clergy; the lord Gray, Patric of Ratray,
 and Thomas Abercromby of Abercromby, for
 the barons; Archibald Stuart, Robert Mercer,
 and David Spalding, for the boroughs. They,
 in fine, whose commission obliged them to sit
 in the third session at Edinburgh, were the bi-
 shop of Glasgow, or Galloway, or any other
 bishop the king should think fit to name, the
 abbot of Holyrood-house, and provost of Lin-
 clowden, for the clergy; the lords Lindsay and
 Hales for the barons; William Cranston, Alex-
 ander Napier, and Robert Nairn, for the bo-
 roughs.

From those courts no appeal lay, either to
 this king or parliament; and it is plain, from
 the constitution, that every man of property
 was supposed to have a competent knowledge
 of the laws of his country. The commissions
 of the judges expired with the year. The va-
 cancies were supplied by the king and his
 council till a new meeting of parliament. They
 were to serve on their own charges, " which
 they might do the more easily, says the act,

Courts of
 judicature;

A.D. 1453. because of the short time of their attendance, and in regard that it would not, perhaps, come to their turn to sit again once in seven years." I shall make no farther observations upon this distribution of justice, than that every peer of England, to this day, is by his birth a judge in civil causes; and the whole body forms a jury for the trial of their own peers. The knowledge of law was far from being excluded by this arrangement; for the practising lawyers at the bar were still entitled to offer their advice in council to the judges in all civil matters; and the short duration of their commissions is established on the truest principles of liberty.

and the
coinage re-
gulated.

The coinage still requiring regulation, came again under the cognizance of this parliament. This seems to have been a matter of great difficulty in Scotland. Upon the restoration of James the first *, he found his coinage in great disorder; and his parliament put the mint on the same footing as that of England. This regulation was, however, very ill observed; but in this parliament it was decreed, that the new money should be of equal weight with that of England; and that eight groats should be struck out of every ounce of pure silver, each groat to be of the value of twelve pennies, though at first it was only of eight. The truth is, the

* See Ruddiman's Preface to Anderson's Selectus, p. 71.

regulations of the mint in Scotland were always affected by the state of coinage in the neighbouring nations, and consequently so fluctuating, that, notwithstanding the labours of the accurate Ruddiman, all our information on that subject is unsatisfactory. Even the parliament itself seems to be at a loss how to proceed; for, after various deliberations, it was resolved to name a committee, which was to attend the king, and settle the affair. The next business that fell under the consideration of this assembly was the state of hospitals, erected for the relief of the sick and poor. In Scotland, as in England, before the Reformation, provisions were made for charitable purposes among the religious houses; but the distresses and combustions of the times had too frequently rendered them ineffectual. This parliament provided, that the chancellor, assisted by two proper persons of each diocese, should visit all the hospitals in the kingdom, to put in force the statutes of their several foundations; and when these could not be recovered, they were to apply to the king for a remedy.

The most remarkable act of this parliament, however, related to the future constitution of that body; for the members declared it adviseable, that no freeholder, whose estate did not amount to twenty pounds of yearly revenue should be constrained to come to the parliament or general

A. D. 1458, neral council, unless he was a baron, or be expressly called by the king's writ, or by an officer in his name. This provision, in a great measure, accounts for the majority which the kings of Scotland generally had in their parliaments; but I cannot perceive that any argument can be formed from it in favour of the prerogative, with which Abercromby and other writers want to invest their kings. As I have more than once hinted, the subjects looked upon their attendance in parliament as a grievance; and its being dispensed with may be considered as an acquisition on the part of liberty, before the great feudal courts were abolished. It cannot, however, be dissembled, that when that abolition took place, this law operated strongly in favour of the prerogative. Upon the whole, there is somewhat doubtful in the manner of wording the act, as it implies, that a freeholder who had not twenty pounds a year might, if he pleased, give his attendance in parliament, though he could not be compelled to it. The internal policy of the kingdom was another capital object of this parliament, especially with regard to agriculture. It was provided, that every man possessed of a plough and oxen should sow a certain quantity of wheat, pease, and beans, yearly; and all freeholders, both spiritual and temporal, when they lett their lands, were to oblige their tenants to raise trees, hedges, and broom. Several sumptuary laws

Qualifications of members of parliament.

laws were likewise enacted in the same session. No merchants, unless they were magistrates, bailiffs, or of the town-council, and no baron or gentleman, who was not possessed of forty pounds old extent, was to wear silk cloaths, or costly scarlet, with furs; nor were their wives or daughters to be dressed in either, but in a manner agreeable to their fortunes. The great nobles, however, and clergymen were allowed to wear scarlet gowns with rich furring. Coarse grey and white cloaths were to be worn by the common people on working days; but on holidays they were indulged in wearing cloaths of other colours. Women were prohibited to resort either to church or market with their faces covered, so as not to be known.

The same parliament enacted, that every parish should provide, for the use of the inhabitants, butts and bow-marks, where they were to practise shooting every Sunday; and this provision was to extend to every male between the ages of twelve and fifty. Fines were imposed upon all who absented themselves on such occasions, and distributed among those who practised those exercises of archery; but the diversions of foot-ball and golf (which last seems to have been peculiar to the Scots) were prohibited. To give a farther blow to the feudal institutions, the king had a power of regulating the stewards' courts, or, as they are called, the

Parochial
and other
affairs set-
tled.

A.D. 1453. the chamberlain's airs; and the officers who abused their powers of regality were rendered punishable. A common measure was ordained, and inspectors appointed to examine the fineness of gold and silver works. The laws against beggars, excepting those who were licensed by the civil magistrates, were revived; and the king's justice was empowered to banish or imprison all gypsies, forners, bards, masterful beggars, and feigned fools. Lords, prelates, barons, and freeholders, were permitted to let their lands in fee-farm, a provision which, I apprehend, was aimed against the followings of the great landholders; and the sheriffs, with the proper magistrates, were ordered to turn out all persons who unjustly kept possession of any man's estate. Many excellent game-laws were enacted; and particular encouragement was given to those who destroyed wolves and birds of prey. The laws relating to high-treason came next under the cognizance of the assembly; and forfeiture of goods and loss of life at the king's pleasure, were the penalties of leasing-making, or of spreading false reports of the king to his people. The like punishment was decreed against those who entered into treasonable bonds or associations; and the subjects were strictly prohibited from riding in a warlike manner with any but the king and his officers, or the lord of the burgh. The strictest prohibitions were enacted against any
tumul-

tumultuous attendance upon civil or spiritual courts ; and every traveller, upon entering his inn, was to lay aside all his armour but a knife, because the law presumed the sheriff to be the guardian of the subjects safety within his district. A. D. 1458.

Among the other political diseases of those times, was the great temptation which the subjects of Scotland had to commit acts of piracy ; and as they were excellent mariners, every state in Europe had a number of them in its service. Their licentiousness produced complaints from the neighbouring powers, and great inconveniences to the public ; so that this parliament, among its other excellent regulations, thought proper to limit the number of sailors. For the better promulgation of those laws, all sheriffs and commissaries of burghs through the kingdom were ordered to wait upon the clerk of the register, who was to furnish them with transcripts of the several acts, to be proclaimed within their jurisdictions. The assembly, before they rose, gave a signal testimony of their king's patriotism. They addressed him, in terms of the warmest gratitude, for the flourishing state to which he had brought the crown and kingdom, by removing out of it all rebels and breakers of the peace, and suffering no masterful party (for such is their expression) to live in the realm. They concluded, by humbly petitioning him to cause their statutes to be put in execution, that

Regulations
against pi-
racy.

A.D. 1458. he and all his subjects, spiritual and temporal, might merit the divine benediction.

I have been the more sollicitous to lay before my reader the chief business of this parliament, because it gives him a much clearer idea than he can obtain by any other information, of the state of Scotland at this time. Whoever compares the English proceedings of parliament, or the state of legislation in France and other countries, at the juncture I now treat of, must allow the advantage to lie on the side of the Scots, with regard to their late regulations, both of liberty and government. Every act I have mentioned had a direct and immediate tendency to relieve both the king and the people from feudal opposition and oppression. How those excellent provisions came afterwards to be neglected, will best appear in the course of this history.

Negotiations with England.

The first-fruits of the harmony between the king and his people appeared in a new treaty of truce, which was set on foot with England, in July 1459. The bishops of Galloway and Brechin, the last being likewise chancellor of Scotland, the earl of Orkney and Caithness, the lords Graham, Boyd, and Borthwic, and Nicholas Otterburn, who was clerk-register, with several other plenipotentiaries, both ecclesiastics and laics, had a meeting at Newcastle with the English ambassadors, at the head of whom was the bishop of Durham. There the
truce

truce was prolonged on the twelfth of September till the eighth of July, 1468, the terms and conservators of it being the same as before. The prolongation of this truce, at a time when there was an almost total cessation of government in England, and when Henry the sixth, or rather his queen, had been entirely defeated at the battle of Northampton, exhibited an eminent proof of the moderation of James and his council. Some time before, Henry (in whose name, though he was a prisoner, public acts then passed) had issued a commission to the earl of Salisbury to oppose the Scots; a proof that it was expected James would avail himself of the juncture. This was the more probable, as he had received (notwithstanding the bonds of consanguinity between them) the highest provocations from the house of Lancaster, which had omitted no opportunity of abetting the enemies of his crown, and encouraging rebels to his government. Lindsay of Pitscottie has entertained his readers with several formal orations that passed between the English ambassadors and James on the occasion. He tells us, that the duke of York and his party offered to give him back Northumberland, Berwic, and other places. The answer of James is well worthy of being recorded. He acknowledged the preferable right of blood which the duke of York had to the crown of England; but he observed that Henry, his father, and grandfather, had

been univerſally received as kings, a conſideration which he thought had great weight. He complained bitterly, at the ſame time, of the provocations he had met with from Henry and the houſe of Lancaſter; and at laſt ſeemed inclined to accept of the terms propoſed by the Yorkiſts, provided the ambaffadors would undertake to answer for the performance.

During this negociation, the queen of England, after loſing battle upon battle, and being ſtripped of all her jewels, was obliged to apply to James for an aſylum. Her diſtreſs, and that of his kinfman, the duke of Somerſet, who attended her, pleaded in her favour; and James ordered that ſhe ſhould be received upon his borders in a manner ſuitable to her rank and dignity. By what can be collected from the beſt hiſtorians, the queen was not ignorant of the negociation on foot between James and the Yorkiſts; and ſhe offered to make good all that they had promiſed, and likewise to diſmiſs the earl of Douglas (who had been of infinite uſe to her party) from Henry's ſervice. Her propoſals ſtaggered James; but I do not find that he poſitively declared himſelf for either party. I am, however, inclined to believe, that he at laſt was determined in favour of the houſe of Lancaſter, and that the duke of York, having ſucceeded againſt Henry beyond his expectations, had cooled in the offers he made; for it is certain he gave ſecret orders to the
gar-

1460.
James be-
comes Rox-
burgh-
aſſie,

garrison of Roxburgh to defend that castle to the last extremity against the Scots.* James discovered his duplicity, and upbraided his ambassadors, who were still at the Scotch court, with his conduct; but all the answer he received was, "That the negociation was at an end, and that the duke considered himself as being under no engagements to James." Such is the manner in which Lindsay has very minutely related this transaction, and it is confirmed by many circumstances; for we find James, about this time, treating with the Lancaster party about repairing some breaches of the late truce. It is certain that James raised a gallant army, with which he invaded England, with a declared resolution to besiege the castles of Roxburgh and Berwic, which he did at the same time. This conduct of James, when we consider Henry as his ally, and the truce between them as still subsisting, was undoubtedly defensible. We are uncertain to whom he committed the care of the siege of Berwic; but we know that he undertook that of Roxburgh in person; and having laid the town in ashes, he battered the castle, which made a vigorous resistance.

Rymer, vol.
XI. p. 461.

Never was any prince better served by his subjects than James was in this expedition. The turbulent earl of Ross joined him with a gallant body of Highlanders, with whom he proposed to form the van of the Scotch army,

where he is
accidentally
killed.

and

A. D. 1460. and to scour all the neighbouring country. James received him with great politeness, but told him, that he was directed by his council in the operations of the war, and desired he would pitch his tent near the royal pavilion; from which we may conclude that James was not fond of trusting the earl with a separate command. About the same time, the earl of Huntley, who had often manifested his loyalty, arrived in the camp with another body of men; and his arrival was so welcome to James, that he went to the trenches, where he ordered a general discharge of all his artillery, of which he had a very fine train. The order proved fatal to James. One of the cannons, called the Lyon, burst, and part of it struck him on the thigh, as he was standing near it with greater curiosity than became a king, so that he expired instantly. This fatal accident happened on the third of August 1460. The nobility who were present concealed his death, for fear of discouraging the soldiers; and, in a few hours after, the queen appeared in the camp, and presented her young son, afterwards the unfortunate James the third, as their king, but undertook herself to be their general.

His character,

I have been so full upon the person and political virtues of this excellent prince, that I have but little to add to his character. His body was robust, active, and fitted for martial exercises. A red spot he had in one of his cheeks
procured

procured him the appellation of James with the Fiery Face; and the blow he gave the earl of Douglas proved that the physiognomists were not mistaken when they pronounced it to be an indication of his natural temper. When we consider his youth, the great opposition he met with in the field, and the firmness of his whole conduct, we cannot think the highest encomiums bestowed upon him to have been exaggerated. No prince ever expressed a more tender regard for the liberties of his subjects, and none ever reigned more absolutely in their affections. It is equally to his and their honour, that they exacted nothing from him that a brave and a wise prince could refuse to grant, nor he aught from them that the most jealous votaries of liberty could hesitate to perform; and we venture nothing in saying, that the Scots under him were the freest people upon earth. After he took the reins of government into his own hands, he managed them so steadily, that he was seldom obliged to follow sanguinary measures. He punished the earl of Ormond upon principle, because, as I have often hinted, he and his friends had formed and maintained a regular system of tyranny, incompatible with a free government. Major, who might have seen those who knew him personally, says he had a peculiar art of conciliating the love of his soldiers, by a deportment equally martial as it was familiar. He was no more
than

A. D. 1460.

and issue.

than thirty years of age at the time of his death, and yet he was never under the influence of a favourite; for he knew how to chuse the wisest and worthiest men of his kingdom to be his counsellors. His issue by his wife, Mary of Guelders, were James, who succeeded him, Alexander duke of Albany, John earl of Mar; and two daughters, the ladies Margaret and Cæcilia. In his coins he is represented with a close crown; and Mr. Anderfon has assigned him for his device a laurel garland, within which is inscribed the name of God in Hebrew characters, with the motto, *In virtute tua*. Upon the whole, it may be affirmed with great truth, that the reign of James the second was more glorious than that of any other of the Stuartine princes preceding him; and, if we except that of his grandson, James the fourth, of any of his successors, while Scotland remained an independent kingdom.

JAMES THE THIRD.

State of
affairs at the
accession of
James the
third.

THIS prince was not full seven years of age at the time of his father's death. His mother continued to behave with unexampled magnanimity, but took the wise precaution of carrying her son to Kelso, where some say he

was

was crowned, and the nobility and barons paid him homage and allegiance. Returning from Kelso, she pushed the siege of Roxburgh-castle with so much vigour, that the garrison in a few days capitulated, on being allowed to depart with bag and baggage; but we are told the castle itself was demolished, the Scots having then no enemy in the field, and gave full scope to their revenge of their king's death, by laying the country waste, and carrying off a great booty. Towards September, they took and dismantled the castle of Wark; and then it was resolved that a parliament should be held at Edinburgh. The duke of York, at this time, was master of the English government, and declared to be next heir to the crown, though the title of king was confirmed to Henry during his natural life. There can be no doubt that the Scots had now openly declared for the house of Lancaster; and the active queen Margaret remained still in the south of Scotland, where she met with great success in assembling her army, consisting of the inhabitants of both kingdoms. The duke of York had countermanded the earl of Salisbury's joining him from the borders of Scotland; and Henry had been prevailed upon to give his name to a summons, requiring his queen and his eldest son, and the heads of her party, to appear at London, to which they paid no attention. Her army was composed of eighteen

A.D. 1460. thousand fighting men; and the duke of York, encouraged by his former successes, resolved to fight it, though he was far inferior in numbers. This brought on the battle of Wakefield, in which the duke and his young son, the earl of Rutland, were killed, and their troops totally defeated, early in the year 1461. I shall not pursue the history of this war farther than as it is connected with the affairs of Scotland.

1461.

**Affairs of
England.**

The earl of March, afterwards Edward the fourth, succeeded to the claim and titles of his father the duke of York. At first, he gained a battle at a place called Mortimer's Cross; but the queen advanced towards London at the head of the Scots and the northern troops. The loss of James the second was now severely felt. The queen, full of implacable revenge, had promised to the Scots the plunder of her enemies estates; and they behaved in so licentious a manner as afterwards turned the scale of victory in favour of the Yorkists. She, however, defeated the earl of Warwic at St. Alban's, and recovered the person of her husband. The ravages of the Scots continuing, it was with difficulty that she and the king could save the abbey of St. Alban's from being plundered; but, in the mean while, she lost all the fruits of her late victories, by the Londoners admitting the duke of York into their city, while Margaret was obliged to retreat, and the duke took possession of the throne. She met with no opposition

position in her march to Scotland, where her chief dependence now lay; but it is proper we should resume the affairs of that kingdom. A. D. 1461.

Buchanan has here artfully taken occasion to display his powers both of reasoning and eloquence; and as his narrative is not impeached by other historians of different principles, I shall here give it a place. At the meeting of the parliament, the queen took up her lodging in the castle, as the bishop of St. Andrew's and the earl of Angus did theirs in the abbey of Holy-rood house. When the parliament assembled, it was divided into two parties. One sided with the queen, who contended for the guardianship of her son, the king. The major party, however, was that of the bishop and the earl, who insisted upon the young prince being put under the care of a tutor, chosen by parliament. After the assembly had debated this point for two days, the queen and her followers came from the castle, and she caused herself to be declared the king's tutrix, and governess of the kingdom. The queen then retired to the castle, and bishop Kennedy demanding an audience of the multitude, which continued still assembled, begged them to suspend their judgments, because he was fully able to prove that the queen's proceeding was partial and unconstitutional. He no sooner finished his harangue, than an armed party appeared for the queen from the castle; and blood-shed must have en-

Bishop
Kennedy
opposed the
queen.

A.D. 1461. fued, had not the bishops of Glasgou, Galloway, and Dumblain interposed with the earl of Angus, and prevailed on both parties to consent to a truce for a month. Thus far the narrative of Buchanan, when we consider the high spirit of the queen, is probable; but it serves to introduce a severe satire upon female government, with an eye to that of his own sovereign, Mary queen of Scots. He brings the queen into the assembly after its meeting, where she pleads her own cause. She is answered in a long formal speech, in which we are at a loss which most to admire, the purity of its language, the pedantic puerility of its arguments, its perversion of history, or the gross indecency with which the whole sex is abused.

Wisdom of
parliament.

Since therefore we are to consider this speech as the product of Buchanan's brain, fruitful in such forgeries, I shall only observe, that the good bishop had many very plausible, and some weighty, arguments to urge in favour of his scheme, without being obliged to descend to scurrility and sophistry. The queen had behaved with great magnanimity, and had done the public important services; but, on the other hand, she was a foreigner, and might be under the influence of her relations. She was young, and by marrying either a subject or a stranger, the public tranquillity, if not safety, might be hazarded. The parliament wisely observed a mean between both parties. They committed,

in-

indeed, the care of the king's person to four lords of parliament, the lord Graham and the lord Boyd, who were of the queen's party; the earl of Orkney and the lord Kennedy, who were the bishop's friends; and the bishops of Glasgow and Dunkeld, who were supposed to be of no party at all. A. D. 1461.

The bishop of St. Andrew's still retained his authority; and the nation continued to have so good an opinion of his virtue and wisdom, that it is universally allowed, the administration could not have been put into better hands. In the mean while, the affairs of the house of Lancaster suffered a dreadful reverse in England. Edward the fourth had been acknowledged king by the Londoners, and had gained the great battle of Tooton, in which thirty-six thousand Lancastrians were killed. This obliged Henry to retire to Berwic (which he committed to the care of the duke of Somerset) and then to Edinburgh, with his queen and only son, where the royal exiles were received with the utmost politeness and humanity. It would have been a blameable disinterestedness in the Scotch ministers, had they refused to avail themselves of the juncture. Henry had still a great party in England, and the French court seemed inclinable to declare in his favour. The Scots had always thought that the detention of Berwic, which had fallen into Edward the third's hands, during the minority of his brother-in-law,

A. D. 1461. law, David the second, was little better than a robbery, and they had always complained of it as such. It was easy for Margaret to perceive, that she could not make a more agreeable sacrifice to the interest of her husband than the restitution of that town; and indeed it was the only retribution that was in her power to make, though she offered to restore Carlisle likewise. No difficulty occurred in this negotiation, and, on the twenty-fifth of April, the Scots actually entered into repossession of Berwic.

See vol. II.
p. 346.
Berwic re-
stored to
Scotland.

The Scots
befriend
Henry the
sixth of
England and
his queen.

The similarity of character between Margaret and the queen-dowager of Scotland, drew the bonds of union between the two families still nearer; for they agreed that Edward, Henry's eldest son, who still kept the title of prince of Wales, should espouse the lady Margaret, the eldest sister of James. The flourishing state of Scotland, at this time, gave Margaret the most sanguine hopes that they would terminate in the restoration of her husband; but one of her chief dependences lay upon the earl of Angus. That nobleman, though a Douglas, had always been a friend to his country, and had opposed the tyrannical proceedings of the head of his family, many of whose estates he now inherited; so that he was undoubtedly the first subject of Scotland, both in power and popularity. I do not find he took any lead in civil affairs; but being warden of the marches, he had done his country most important services by his in-roads

reads upon England. He soon became an object of Margaret's attention; and, by a charter which is still in possession of the descendants of the earl's family, "Henry, being assured of all the assistance in the power of the earl to give him, obliged himself to give to George earl of Angus and his heirs certain lands lying between the rivers of Trent and Humber, to the value of two thousand marks sterling of yearly rent; to erect those lands into a dukedom; to make it lawful for the said earl or duke to repair to the court of England, or to the said dukedom, as often as he pleased, with a retinue of one hundred horse in time of peace; and in case of a war between the two kingdoms, to grant his protection to twenty-four armed men, who should reside in the said dukedom, and in the earl's name receive the rents and revenues of the same." The indenture, or agreement between them, had several other clauses; such as, "That the earl might make war against the crown of England, at the desire and command of his more immediate sovereign, the king of Scotland, and should not be bound to answer in person to the parliament, or any other court of justice, in England."

A. D. 1452.

Impolitic
aggrandize-
ment of the
earl of
Angus.

I could almost venture to pronounce, that this was a private convention between Margaret and the earl, who might not be destitute of family-ambition; and that the governors of Scotland, had they known of it, would have remon-

A.D. 1461. remonstrated against so dangerous an aggrandizement of a subject, whatever his power, merits, or services, might have been. This is the more probable, as Hume, the historian of the house of Douglas, and who is but a late writer, is the first who mentions the agreement or charter, which he copied from the archives of the family.

Trans-
actions be-
tween
Henry the
sixth and
Lewis king
of France,

Henry the sixth, ever since his arrival at Edinburgh, had lodged in the sequestered cloisters of the Grey Friars, where he had an opportunity of indulging his natural turn for devotion. His active queen, having settled her affairs in Scotland, set sail for France, where she had great dependence upon the interest of her father, Rene of Anjou, king of Sicily. Ambassadors from Scotland then resided at the French court, and strongly enforced the solicitations of Margaret and her father. They were opposed by agents from Edward; and Lewis the eleventh, who then sat on the French throne, was a prince not to be swayed by any consideration but that of interest. He behaved, however, with the utmost plausibility to Margaret, tho' he dreaded coming to a direct breach with England. All she could obtain from Lewis was a profusion of honours and compliments, and a loan of twenty thousand French livres, which Henry obliged himself either to repay in a year, or to give up Calais as soon as he was repossessed of his throne. Lewis intimated to her,

at

at the same time, that thought it was not convenient for him to come to a breach with England, yet he would not be displeased if the duke of Brittany should befriend her; and he connived at De Brezè, the seneschal of Normandy, and an excellent general, being set at liberty to command the auxiliary troops that might be sent to her assistance from France. De Brezè (who is said to have been in love with Margaret) readily accepted of this honour; and she was so far favoured by the duke of Brittany, that she obtained a promise of two thousand men, who were to be sent to Scotland, or the North of England, under De Brezè.

The impenetrable character of Lewis the eleventh leaves us in the dark as to the reasons why Margaret was disappointed in this assistance; or whether the whole number of her auxiliaries did not embark, and whether many of them were not driven back to France. It is certain that she and her general met with a terrible storm in their passage, and that they were attended by no more than three hundred soldiers, when their ships presented themselves before Tinmouth-fort. She was in hopes there to be received on shore, the storm still continuing violent; but the garrison pointing their guns against her little fleet, she was forced again to put to sea, and her ships were dispersed. She herself, with the prince her son, who had attended her, were driven to Berwic; but the

from
whence
queen
Margaret
returns.

A.D. 1461. rest of her ships, with De Brezè, were run a-shore at Bamborough-castle, where the crews set them on fire, and escaped to Holy Island. There they were attacked by Sir Robert Ogle, an English warden of the marches, and most of them put to the sword; but De Brezè threw himself into Berwic, and was appointed governor of the castle of Alnwic, which was in Henry's possession, where I must leave him to attend the other affairs of Scotland.

Domestic
broils in
Scotland,

When Margaret took shipping for France, Edward was lying at York, with some thoughts of invading Scotland; but he found that the borders had been so well provided against an invasion by the earl of Angus, that he returned to England, and altered the whole scheme of his operations against Scotland. The forfeited earl of Douglas, his brother, the lord Balveny, and other gentlemen of their party, remained still in England; and to them Edward applied for the means of giving the government of Scotland a diversion at home. The juncture was favourable for his views. The Scots had no longer a brave, active, king at their head; and all the wisdom of their government could not impress them with that awe and reverence which the presence of their two last princes inspired. Disorders began in those parts of the kingdom that were the most remote from the seat of government; for Allan, a younger son of the house of Lorn, had seized upon the person
and

and estate of his elder brother. . Allan was chastised for this unnatural act by Colin earl of Argyle, who defeated and committed him to prison, where he died, but whether a violent or natural death, is uncertain. A. D. 1462

This was a prelude to still greater disturbances in other parts of the kingdom, and which were immediately connected with Edward's views. The earl of Douglas and his party undertook to raise a rebellion in Scotland, by means of Donald earl of Ross, who, at their instigation, and by their encouragement, renewed all his old family-claims of independency within the Isles. He accordingly surprised the king's castle of Inverness, and levied contributions upon all the neighbouring country. His progress was so rapid, that when he marched into Athol, that earl (who was uncle to the king) and his countess (the same who was once the Fair Maid of Galloway, and countess of Douglas) not thinking themselves safe within the walls of their castle of Blair, took refuge within the church of St. Bride, in hopes that the sanctity of the place would protect their persons. Their example was followed by the chief inhabitants of the country, who went with their effects to the same sanctuary; but all was in vain. The Islanders (who, at this time, can scarcely be said to have been Christians) put the churchmen to the sword, fired the church, and carried off the earl and countess of Athol, with a vast booty,

fomented by
the earl of
Douglas.

A. D. 1461. in their ships to the island of Yla, before the government could make any provision to suppress them. The earl of Ross, having committed his prisoners to the strong fortrefs of Clagg in that island, embarked on board his fleet, which consisted of small slight vessels, for a second expedition ; but most of his followers perished by a sudden tempest in the voyage, the earl himself escaping to the castle of Inverness, where, according to Balfour's Manuscript Annals, being seized with a phrenzy, he was killed by an Irish harper. Such of his followers as escaped the shipwreck, and returned to Yla, were so struck with remorse at the sacrilege they had committed, that they not only replaced the earl of Athol and his countess in the church of St. Bride, but restored all the plunder they had made, with additional presents, to the shrine of that holy virgin.

Rebellion of
the earl of
Ross.

The death of the earl of Ross was far from disconcerting the Douglasses at the court of England. His son John, the young earl of Ross, was, at the time of his father's death, at his castle of Ardthornis, where he kept up a kind of sovereign state. Understanding that Edward was willing to renew with him all the engagements he had entered into with his father, he nominated his cousin, Donald (some call him Ranald) of the Isles, and Duncan, archdeacon of the Isles, to repair as his plenipotentiaries to the court of England, there to conclude

clude a treaty with that king, Edward did not think it below his dignity to appoint the bishop of Durham and the earl of Winchester as his commissioners for this negotiation, which was finished on the thirteenth of February, 1462. By this convention, "The said John earl of Ross, Donald Balach, and John of the Isles, son and heir apparent of the said Donald, with their vassals and tenants, were obliged to become liegemen and subjects to king Edward and his heirs, at Whitsunday next; and ever after to be ready to serve the said king Edward with all their power in Scotland, or against the Scots in Ireland, and all other his majesty's enemies in that country. King Edward, on the other hand, obliged himself to give to the earl of Ross, during his life, a yearly pension of an hundred merks sterling in times of peace, and of two hundred pounds sterling in time of war." It was farther agreed, "That in case the king of Scotland should be conquered, in pursuance of those engagements, the earl of Ross, Donald Balach, and their heirs, should have and hold of the crown of England, all the possessions of the said kingdom benorth the Scottish sea; and that the earl of Douglas should be restored, upon the same conditions, to his inheritance and possessions besouth the Scottish sea. In fine, that if the two kings of England and Scotland should chance to agree to a truce, or cessation of arms, that the earl of Ross, Donald,

A. D. 1462.

Rymer, vol.
XI. p. 436.

nald,

A.D. 1462. nald, and John, their lands and iflands, fhould be comprehended in the fame."

The reader may perceive, that one Donald Balach and his fon are mentioned in this treaty; but all we know of them is, that they were perfons of great power and intereft in the Ifles, and had been long intimately connected with the earls of Rofs. Edward thought this convention fo great an acquifition, that he beftowed upon the earl of Douglas a yearly penfion of five hundred pounds, which was an hundred pounds more than he had allotted to his own brother, the duke of Gloucefter.

Before we proceed, it is proper to take notice of the unpardonable inaccuracies of a late Englifh writer, who makes Margaret perform two journies to the court of France, to have received two fupplies of men and money, and to form two fieges of Alnwic when it was defended by de Brezè; and all this in the fame page. What is ftill more unpardonable, the fame writer, upon the authority of a notorious romancer, makes the queen-dowager of Scotland refign her honour to the duke of Somerfet, who revealed the intrigue to the French king; upon which fhe was fo much exasperated that fhe employed affaffins to murder him, fo that he never ventured himfelf again into Scotland. I fhall not attempt to raife the indignation of the reader at this wanton ftab upon the character of an irreproachable princefs, who was,

at

Carte's
Hift. of
England,
vol. II.
p. 766.
Vindica-
tion of the
queen-
dowager of
Scotland.

at this time, spending the few remaining hours of her life in the cloisters of the collegiate church founded by herself. Without therefore farther attending either to the mistakes or malevolence of this writer, I shall proceed in my history. While de Brezè was bravely defending the castle of Alnwick, Margaret and her husband, Henry, had assembled the face of an army, composed of Scots and a few English, which entered Northumberland, in hopes of raising an army in that country. The people, though well affected to the house of Lancaster, being discouraged by the poor appearance of her French auxiliaries, were extremely backward to rise in arms; and Margaret's money being now all spent, she was obliged to pay her troops by the plunder of the country. Notwithstanding this complication of misfortunes, she acted with such spirit, that she penetrated as far as the bishopric of Durham, and alarmed Edward so much, that he issued a commission to the lord Montague for arraying the northern counties against her, intending himself to command them. It is not to be dissembled, notwithstanding the relations of the Scotch writers, that their government became now cautious of involving their country into farther difficulties in support of Henry. They saw the French court, the only allies they could depend upon, backward in his cause; and the earl of Douglas had, no doubt, so good intelligence from Scotland,

A. D. 1462.

A.D. 1456. land; that he informed Edward it was not at all now impracticable to detach the Scots from the interest of the house of Lancaster. We are not to blame the Scotch historians for their ignorance of this particular, because they had no opportunity of consulting the English records; for it is certain, that in the lord Montague's commission, which is dated the first of June, a clause was inserted, empowering him to treat with the Scotch government; and on the twelfth of the same month a safe-conduct was granted to some of their chief nobility for that purpose.

Battle of
Hexham
lost by the
Scots.

The lord Montague, willing to distinguish himself before Edward should supersede him in his command, was very assiduous in assembling his army. That of Margaret lay encamped near Durham, and was equally detested by friends as foes, on account of their indiscriminate robberies. Montague advanced to that city, and from thence to Hedgly-Moor. The numbers of out-laws, who by this time joined her, had encouraged the duke of Somerset, who had lately acknowledged Edward, to return to her party, together with Sir Ralph Piercy, who surprized the castle of Bamborough, and held it for Henry's service. The lord Montague engaged part of their troops at Hedgly-Moor, where their cowardice was such, that, notwithstanding their superiority of numbers, they fled and were defeated, the brave Sir Ralph Piercy being killed in the field. The main bo-

dy

dy of Margaret's army were then encamped near Hexham, and the lord Montague, knowing that Edward was on the wing, that he might have the glory of finishing the war in person, pushed forwards, forced the trenches of the Lancastrians, whom he totally defeated, and made the duke of Somerset, the lords Hungerford, Roos, Moulins, and other persons of high distinction, prisoners. The duke of Somerset's head was immediately struck off at Hexham, and the other chiefs of the party were, a few days after, executed at Newcastle. This was the eighth general battle that had been fought between the houses of York and Lancaster. As to Henry himself, being mounted on a swift horse, he fled towards Lancashire; but he was so closely pursued, that one of his gentlemen-waiters (called in those days henchmen) was taken with his cap of state, which was afterwards presented to Edward at York.

I shall not enter as an advocate on either side of the question, how far the behaviour of the Scotch government was, or was not, at this time, justifiable towards Margaret. The earl of Angus, when the battle of Hexham was fought, was certainly at the head of thirteen thousand men, all of them excellent troops; but he was watched by a superior army under the earl of Warwick, who still lay before Alnwick. That place had been bravely defended by de Brezé, or his son, or both, upon whose faith,

The French
garrison sur-
renders
Alnwick.

A. D. 1462. and that of Margaret, the Scotch government had long expected considerable reinforcements from France. Those failing, and the Lancastrian cause being now desperate, the young king's ministers thought they could not be answerable to their country, should they continue a losing war, especially as they considered themselves free from their engagements with Margaret, by her not fulfilling those she had entered into on the part of her husband. From this state of affairs, which is confirmed by records, and from the negotiation which was depending, if not concluded, it is not surprizing that the earls of Angus and Warwic were cool in their operations against each other. Add to this, that the Scotch ministry could not be ignorant that a truce was on the point of being concluded between France and England. The siege of Alnwic still continued, but so faintly, that when Angus presented his army before the place, the French garrison marched out of it without opposition from the earl of Warwic, who immediately entered it.

1463.
Rymer, vol.
XI. p. 510.
A treaty
with Eng-
land.

The commissioners appointed for treating with Edward, on the part of Scotland, were the bishops of St. Andrew's and Glasgow, the abbot of Holy-rood house, Mr. James Lindsay, keeper of the privy-seal, Colin earl of Argyle, James lord Livingston, James lord Hamilton, William lord Borthwic, Robert lord Boyd, and Sir Alexander Boyd. The negotiation continued

rued some time in dependence, probably till A. D. 1463. the Scotch ministers were fully informed, by the mediation of the duke of Burgundy, that a truce had been concluded between the French and Edward at St. Omer's. A treaty was then finished on the fifth of December in the following terms: "First, That it should last from the sixteenth day of December by land and fresh water, to the last day of October next coming; and from the first day of February next, till the same last day of October by sea. Secondly, That James king of Scotland should give no assistance to Henry, late calling himself king of England, Margaret his wife, Edward his son, Henry Stanford, late duke of Somerset, Thomas late lord Roos, Robert late lord Hungerford, Sir Ralph Gray, Sir Richard Tunstall, nor to any other of the traitors or rebels to Edward king of England; that he should not protect them, or any of them, within his dominions longer than he is obliged to do by his safe-conduct already granted to them; and that he should not grant another safe-conduct during the abstinence or truce. Thirdly, That in the like manner Edward king of England should give no countenance nor protection to any traitors or rebels to king James; and that he should grant no safe-conducts to any of them, other than are already granted. Fourthly, That in regard James earl of Douglas was become liegeman to king Edward, he, and such

A.D. 1463. other Scotsmen as are or may become his subjects or liegemen, should enjoy the benefit of the truce. Fifthly, That if Henry, late called king of England, Margaret his wife, Edward his son, or any others their adherents, have or shall put themselves in the obeisance of, or become liegemen to the said king James, they should, in that case, have the benefit of the truce, as all others his liegemen."

Distresses of
Henry the
sixth of
England,

The reader may perceive, that in this treaty no mention is made of the earl of Ross and Donald Balach; from whence we may conclude, either that the engagements they had entered into with Edward were unknown to the Scotch government at that time, or that the latter, rather than multiply disputes, agreed that they should be comprehended under the third article; and in this perhaps they did wisely. I perceive that the earl of Douglas, soon after the conclusion of this treaty, was appointed by Edward governor of Carrickfergus in Ireland, a post extremely well calculated for him, as the greatest part of that country had been peopled from Scotland. The treaty, however, must have been mortifying to Henry, insensible as he was of worldly grandeur. Having escaped to Lancaster, after the battle of Hexham, a safe-conduct had been sent him to repair to Scotland, and he reached Edinburgh in disguise; but his way of living was so reclusive, that we know nothing more of it, than that it was spent
in

in fasting and prayer. His person remained safe till the expiration of the safe-conduct, and then his situation must have been truly humiliating. His protection could not be renewed, and to bow, to another prince, a head which had been encircled by the two brightest diadems in Europe, must have been worse than death, even to Henry. This indolent prince, however, made not the least provision for an asylum upon the continent, where many states were at liberty to have received him; but understanding that his safe-conduct was on the point of expiring, he took the resolution of flying disguised into England. He accordingly set out, attended only by three ecclesiastics, and had reached Waddington-hall in Lancashire, where his person was seized by James Harrington, who was rewarded with several considerable forfeited estates for that service. His treatment, during his captivity, is a full proof that civil rancour can root from the heart of man not only every noble, but every humane, sentiment. This prince, who had filled the throne of England for six and thirty years, was conducted through a country, which was once his own, like the most common malefactor, with his legs tied under the belly of the horse on which he was placed. In this condition he was seen, reproached, and insulted, by the earl of Warwic, the greatest nobleman and hero that England then contained, and conducted to his capital,

A. D. 1463. capital, loaded with the abuses of ruffians hired for that purpose.

and of his
queen Mar-
garet.

The fate of Margaret, after the battle of Hexham, is extremely touching, as related by Monstrelet, and shews her to have been as improvident through presumption, as her husband was through piety. So far was she from making any dispositions for her own or her son's safety, in case of a defeat, that, when it happened, she fled out of the field, and wandered through woods and wilds (with which the neighbouring country was surrounded) for safety, dressed, as she was, in splendid apparel and rich jewels. She was perceived by certain out-laws, or, as I am rather inclined to believe, fugitives from the battle, who stripped her of her jewels; and while they were quarrelling about the partition of the plunder, she took that opportunity of escaping with her son into a thicker part of the forest; and while both were fainting with weariness, another out-law presented. Neither her dignity nor presence of mind failed her on the occasion. She reflected, that perhaps those out-laws were suffering for her husband's sake; and leading the prince up to the supposed robber, "Here, friend, said she, save the son of your king." Her conjectures proved true. The splendor of her habit and her person, equally beautiful as majestic, convinced the robber that she was the queen. He fell on his knees, and taking the prince in one hand,

hand, and supporting the queen with the other, A. D. 1463. he conducted her first to a place of rest, and then of safety, on the borders of the forest, till he found an opportunity of procuring for her a ship which carried her to Sluys in Holland.

This year is marked by the death of the queen-mother of Scotland, to whose spirit and prudence that kingdom owed the greatest obligations. She had ordered by her will, that her second son, the duke of Albany, should be sent to receive his education at the court of Guelders. A safe-conduct was accordingly obtained from Edward for the duke (who in the record is termed prince of the Scots, duke of Albany, earl of March, lord of Anandale and Marr) and two hundred servants, who were to attend him to the parts beyond sea. The Scotch commissioners were then negotiating at York with the lord Montague; and, in violation of the safe-conduct, the young prince and his retinue were made prisoners at sea by the English. This capture was resented, in very high terms, by the government of Scotland; and their commissioners were instructed to insist upon the duke's being set at liberty, or to break off the negotiation. Old bishop Kennedy is said to have been the author of those instructions, which were immediately complied with on the part of the English; and Balfour says, that along with the instructions was sent a herald, with orders

Death of
the queen-
mother.

Becoming
spirit of the
Scotch go-
vernment.

MSS.
Annals.

to

A. D. 1464. to declare war against England, if the prince was not instantly set at liberty.

Internal
prosperity
of Scot-
land.

Nothing more remarkable happened in Scotland during the remainder of this year, which the Scots seem to have employed in cultivating the arts of peace. Bishop Kennedy built St. Salvador's college in St. Andrew's, and endowed it with noble revenues and rich ornaments. He likewise built a ship, which he called the Bishop's Barge, reckoned then the largest and finest in Christendom; and in those and other public works, he is said by Lindsay to have laid out no less than thirty thousand pounds sterling, amounting to above four hundred and fifty thousand at present; a sum which no ecclesiastic in Europe perhaps, at that time, but himself could have commanded. As he always maintained the dignity of his rank and birth, which was royal, and as I can find no emoluments he enjoyed from the state, it will be difficult to account how he could amass so amazing a sum, otherwise than by supposing, as was common with the great ecclesiastics of those times, that he was deeply engaged in commerce, for which purpose he undoubtedly built his fine ship. The rage of the reformers, who demolished and plundered his noble foundations (for Lindsay says, that he built a curious and costly lair or tomb for himself within his college) has deprived us of an opportunity of obtaining ocular de-

demonstration of his magnificence; but by the few wrecks of information which can be picked up at this day, Lindsay's report is not exaggerated. Nothing particular is recorded as having happened in Scotland during the year 1465, but some ineffectual negotiations with England. Edward the fourth would willingly have concluded a definitive treaty, and have entered into the most intimate connections with Scotland. Under pretence of prolonging the truce, the ministers of both kingdoms had frequent opportunities of meeting this year; and the friendship of Scotland became so serious an object at the court of England, that the attendants upon Edward, who was yet unmarried, proposed a match between him and the lady Margaret, sister to James. Edward shewed no reluctance to the match, but had private reasons for declining it, being deeply in love with, if not married to, Elizabeth, the widow of Sir John Gray. At last, his management was such, that an objection was started in his own council, that the princess had been already betrothed to the prince of Wales, son of Henry the sixth; and this consideration set aside the proposal. This did not prevent Edward proposing a match between young James and any English lady whom his counsellors could agree on; and likewise several intermarriages between the illustrious subjects of both kingdoms. The Scotch nobility were too much under the influence of

A. D. 1465. France to be fond of encouraging such matches; but, in the mean while, the truce between the two kingdoms was prolonged to the last of October 1519; a term so distant, that it was easy to foresee it must be interrupted.

Death of
bishop Ken-
nedy.

The excellent bishop Kennedy, who, during the late and the present reign, may be considered as the guardian genius of Scotland, was still alive, but so far advanced in years, that his authority, and the wise regulations he had established, supplied his more active faculties; and the public still enjoyed a prosperous tranquillity. The intriguing spirits at court began to form plans which were to be executed at his death, which happened, in a venerable old age, on the tenth of May 1466. To the character I have already given him let me add, that he is praised by Buchanan, both as to his personal and political virtues, with encomiums that rather suit the pen of a popish votary, than that of an inveterate leader of the opposite side. He is followed by bishop Spotswood; and, upon the whole, he may be said to have been one of the wisest men and worthiest prelates that ever Scotland bred; but I shall have occasion to mention him again in the ecclesiastical part of this history.

Education
of James,

James, at this time, shewed promising dispositions, and, while bishop Kennedy lived, excellent care was taken of his education. The chief nobleman about his person was Robert lord Boyd, who had been originally one of his tutors,

tutors, the head of a flourishing family, and master of an opulent fortune in the west of Scotland. His two sons, Thomas and Robert, were youths of great expectation; but his brother, Alexander, was looked upon as one of the most accomplished knights and courtiers of the age. This gentleman had been preferred, by the interest of his brother, to be the king's instructor in all polite and military exercises that were known in that age; and they had, before the death of bishop Kennedy, laid a plan for engrossing to themselves the person and authority of their young master, who was now twelve years of age. The old lord Kennedy, elder brother to the bishop, was still alive, and was assisted by his eldest son, John, in having a watchful eye over the conduct of the Boyds, which they began to suspect. They were out-witted by Sir Alexander Boyd, who consulting the opening genius of his pupil, found that he was disgusted with the severity of the Kennedies, and the pedantic manner (as Sir Alexander called it) in which he was treated, at a time of life when he ought to be assisting, if not presiding, at his council-board. James was then at Linlithgow, and the Boyds having moulded him entirely to their own wishes, it was agreed, that he should make his escape to Edinburgh, from the tuition of the Kennedies. Though our historians in general have neglected mentioning the fact, yet it is

A.D. 1466. certain, that, before this time, the council itself was divided; for it appears, by the sentence which afterwards passed upon the Boyds, that the king, when he was but twelve years of age, was forced out of the Exchequer-chamber at Linlithgow, and obliged to remove from his presence those who were appointed by the states to wait upon him. Those indecent brawls at the council-board divided the ministry about the king's person; so that it was easy for the Kennedies to discover the pretended hunting-match to be in fact a game of state. The Boyds had summoned their friends, particularly Adam Hepburn lord Hales, John lord Somerville, and Sir Andrew Car of Cesford, to attend, early in the morning, on the grounds where they were to receive the king at the pretended hunting-match. They were watched by the old lord Kennedy, who, presuming too much on his age and authority, suddenly rode up, and laid his hand upon the king's horse's bridle, just as he was striking into the road that leads to Edinburgh, beseeching him to beware of his guides, who were guilty of treason (as undoubtedly they were) in thus carrying him away. The old man was answered by Sir Alexander Boyd with abusive words, and a wound he gave him on the head with his hunting-staff; and then the company proceeded to Edinburgh with their royal prey.

whose
person is
snatched
from the
lord Ken-
nedy.

This

A. D. 1466.
Proceedings
of parliament.

This daring act of treason, against recent statutes, proves the misfortunes of a minority in a divided state, just after it had exchanged its feudal fetters for civil regulations. The Boyds, trusting to their possessing the king's person, made no doubt of obtaining from parliament an indemnification for the treason they had committed; and, in the wantonness of insult, they sent to the lord Kennedy a monkey, as a pupil more proper for him than a monarch. That they might be perfectly secure, they made use of the king's name in summoning a parliament to meet at Edinburgh on the ninth of October, well knowing that none durst appear there who would oppose their proceedings. The assembly being met, the lord Boyd fell upon his knees, and, in a long studied harangue, endeavoured to clear himself from all the charges that could be urged against him, for having relieved the king from the thralldom he had suffered under the Kennedies at Linlithgow; and ended by beseeching James to explain himself on that head. The young prince, as he had been leffoned, confirmed all that Boyd had said, declaring that their having rescued him from the Kennedies was the most agreeable service that could have been performed to his crown and person. This declaration was recorded in the books of parliament, and an exemplification of it given under the broad-seal to the lord Boyd, by way of pardon for

A.D. 1466. for what he had done. Boyd had all the genius and ambition, but at the same time all the pride and insolence, of a first minister; and his projects, at this time, were equally bold and extensive. He had already in his eye a match for his young master, and he had even mentioned it in parliament. The lady was the princess Margaret, daughter to king Christiern of Denmark, between which kingdom and Scotland a long intricate account lay open, in consequence of the cession of the Orkney and Shetland islands, which renders some retrospect on that head here necessary.

Vol. II.
p. 10.
Negotia-
tions with
Denmark.

I have already mentioned the cession which Magnus the fourth, king of Norway, made of the Ebudæ islands to Alexander the third of Scotland. That treaty was afterwards twice ratified, first in 1312, by Robert the first and Haquin the fifth; and afterwards in 1426, by James the first and Eric king of Pomerania, Denmark, Norway, and Sweden. The reader may remember the observations I made upon this tribute (for so it must be considered) and which the Scots of those days looked upon as disgraceful to their crown. Between the time of the treaty and the present year it had commonly gone by the name of the Annual of Norway; but the kings of Denmark, who were at the same time kings of Norway, had always kept the full and entire possession of the northern islands of Orkney and Shetland, to the great
mor-

Ibid.

mortification of the Scots, as they had a notion that they formed part of the Pictish dominions, to which they had succeeded. It is remarkable, that the Ebudæ, which had been ceded to Alexander the third, were the sources from whence the earls of Ross and their predecessors, lords of the Isles, had drawn all the Barbarians, who had so often invaded Scotland, and who had rendered their masters so considerable as to become allies to the king of England, as if they had been independent princes. I cannot, however, perceive, that the kings of Scotland had ever made the least concession that could encourage such an opinion of independency. Among a race of people, ignorant of letters, and devoted to the will of their superiors, such claims are soon believed, and easily established.

While the islands of Orkney and Shetland remained under the direct dominion of the kings of Denmark, the latter generally employed some nobleman of great interest, on the adjacent continent of Scotland, to be their deputies, on account of their distance from their own dominions, and to protect them from the incursions of the Highlanders and other islanders. This government was generally conferred upon some baron or nobleman of the name of Sinclair. The last who had been entrusted with it was Sinclair of Roslin; and as distant provinces commonly become, in some measure, the properties of the governors, we are told, that
about

A. D. 1466. about the year 1379, Sinclair was declared earl of Orkney, after acknowledging himself to have taken an oath of allegiance to Haquin. The terms upon which he was to hold his government have been transmitted to us from an original charter by a Danish historian; and as they are not only intimately connected with this history, but a great curiosity in themselves, I shall present them to my reader.

Torfaus.

“ First, to be ready to serve the said king, his heirs and successors, with an hundred good men well armed, as often as he should be required, upon three months advertisement, provided that the king would maintain them at his own charge, as soon as they should come to his presence. Secondly, To defend the isles of Orkney and Shetland, in case of their being attacked by any foreign power, not only with the forces that could be raised within these islands, but also with the whole strength of his other friends and servants, whose assistance he also promised to afford, in case the king of Norway should think fit to attack any foreign state or kingdom. Thirdly, Not to impignorate or alienate any part of the said islands, nor to build castles or fortresses within them, without the express consent of the king. Fourthly, To protect and maintain the inhabitants thereof in all their just rights, laws and liberties. Fifthly, To be subject to the laws of Norway, and to attend upon the person of the said king, when required

required either to give him counsel in general assemblies, or to assist him in his wars. Sixthly, To enter into no private compact or bond with the bishop of Orkney, without consent of the king; and to be assisting to the king in opposition to the bishop, if need be. Seventhly, That the said earldom and government should revert into the hands of the said king and his heirs, in case the said earl of Orkney should chance to die without heirs male of his own body; and that his children, though heirs male, should not enter upon the succession without the consent and good will of the said king. Eighthly, To pay to the said king in Tunisbery, at the feast of Martinmas next, the sum of one thousand nobles of gold, English money. Lastly, To prevail with his cousins Malifius Sperre, and Alexander de Leard, to give up all their pretensions to the said earldom and isles."

This earl of Orkney undoubtedly was a native and subject of Scotland, and therefore the whole of this transaction was repugnant to the principles of all civil government. William bishop of St. Andrew's, Walter bishop of Glasgow, William earl of Douglas, George earl of March, Patric de Hepburn, Alexander de Hali-burton, George de Abernethy, William de Ramsay, Robert de Dalziel, and John de Edmondston, knights, were guarantees, or cautioners, on the part of the earl of Orkney, for performance of the agreement, which was

A. D. 1466. signed at Marstrand the second of August 1379.
 It was agreed, at the same time, that Sir William Donald, or Mac Donald, Malifius Sperre, David Crichton, and others, should remain in Norway as hostages for the due performance of the terms. We are told, that when Eric of Pomerania was recognized as the lawful heir of the kingdom of Norway, Henry Sinclair, as the first temporal peer of the kingdom, signed the recognition. Three years after, the earl killed Malifius Sperre, and seven others, by which he probably lost his government, which was then divided into two. That of Shetland was given, in 1418, to John Sinclair, and that of Orkney to Thomas de Tholach, or Tulloch, its bishop. He resigned it, however, next year to David Meyner (or Menzies) of Weem (de Wimo) who took an oath of fidelity and office to Eric and Philippa, king and queen of Denmark, Sweden, and Norway; and bishop Tulloch, with Walter Frazer, were his sureties. Upon the restoration of James the first to his crown, a considerable arrear of the annual of Norway was due to his Danish majesty; and, as I have related in the life of that prince, James sent an embassy to Denmark, who not only settled the payment of the debt, but renewed all former conventions on that head between the two crowns. The good correspondence between the courts of Scotland and Denmark, in 1434, restored the earl of Orkney to the government

vernment of those islands, but not before he had agreed to accept of it upon the same terms as his grandfather, Henry, had held it before, and to demolish a fortress which that nobleman had built without the consent of the king of Denmark. The cautioners for this earl were, Henry bishop of Aberdeen, Robert bishop of Caithness, Archibald earl of Douglas, William earl of Angus, George earl of March, William Cork and Alexander Ramsay, knights, John Sinclair and Andrew Keith, esquires. The hostages were, Thomas Sinclair, David Muntore, Alan Beton, Alexander Brown, Robert Beny, and John Harold, esquires.

No sooner was this nobleman reinstated in the government which had belonged to his ancestors, than he obtained an order from Eric, addressed to the bishop of Orkney and other clergymen, to enquire into the earl's hereditary right to the same. Their report seems to have been mostly founded upon tradition; and not being immediately connected with this history, I omit the particulars, many of which are improbable, and irreconcilable with the truth of history. Upon the accession of Christiern the first to the crowns of Denmark and Norway, this same earl, William, was still governor of Orkney. By this time, the arrears of the annual of Norway amounted to forty-three thousand merks, including the penalties for non-payment, which Christiern demanded

The differences between Denmark and Scotland referred to the French king.

A.D. 1466. with some roughness from James the second; and it is certain that he authorised some hostilities on that account. Both parties agreed to refer their differences to Charles king of France; and a congress for that effect was actually appointed to be held by the ministers of the two crowns in 1457. In the mean while, the Scots had landed upon one of the islands of Orkney, from whence they carried off a rich Danish ship with all her crew, and Biorn, the governor of the island. Christiern, who was one of the most powerful and spirited princes that had ever reigned in the North, and master of the crowns of Denmark, Sweden, and Norway, complained to the French king (who was to be umpire between him and the Scots) of this hostility, and refused to send his plenipotentiaries to Paris, till he knew upon what footing he stood with that people. Charles probably represented the hostility as a private act of reprisals; and in 1460 the congress was held, under the sole mediation of the French king. The ambassadors on the part of Denmark were, Canute bishop of Viborgen, and Mr. Daniel Kiepkend, a canon and chancellor of Denmark; those for Scotland were, John de Monizon *,

* This method of negotiating by foreigners has always been very common, and continues to this day. Conveniency or frugality might have prevailed upon the Scots to have left the choice of their plenipotentiaries to Charles and his council, who seem indeed previously to have planned not only the congress but its conclusion.

A. D. 1466.

Seigneur de Congreessault, and Fuliard, a captain of the Scotch guards. Some dispute happened about exhibiting the original treaty, which the Danes pretended they had, but that they had brought with them only a duplicate, which was sufficient. The Scots frankly acknowledged that they were possessed of no original, but that the bishop of St. Andrew's, who had fallen ill on his journey to the French court, had their duplicate. The truth is, neither party seem to have been in possession either of the original or an authentic copy of this treaty. The French king (who no doubt expected this difficulty would be started) very properly observed, that as this original was not producible, there was an end of the negotiation on that footing, as nothing could be determined upon evidences that were merely conjectural. He intimated, at the same time, that he thought an agreeable method might be found to terminate all differences between the crowns of Scotland and Denmark, by a marriage of Margaret, Christiern's daughter, with the prince royal of Scotland. The Scotch plenipotentiaries (who no doubt were instructed beforehand) seemed pleased with this proposal, but insisted upon three preliminary articles, to serve as the basis of any future negotiation on that head. One was the entire abolition of the annual of Norway; the second the reuniting the Orkney and Shetland islands to the

They terminate in a marriage between James and the king of Denmark's daughter.

CROWN

A.D. 1463. years of age. Christiern, who seems to have been impatient to have it concluded, had made repeated instances to James for the payment of his arrears. The young prince answered him by a letter, that he was ambitious of nothing more than encreasing the trade and welfare of both kingdoms, by continuing the good correspondence that had always subsisted between their ancestors; that he did not perceive the subsidy demanded to have been paid, either by his father or grandfather; and he had as yet too little experience in affairs of government, to be able to inform himself as to the justice of the demand. He proposed, however, to adjust every thing upon an amicable footing, and for that purpose to send ambassadors to Denmark, who should be furnished with powers to conclude an unalterable friendship between the two nations. He accordingly granted a plenipotentiary power and commission, dated at Edinburgh the twenty-eighth of July, to Andrew bishop of Glasgow, William bishop of Orkney, Andrew lord Evandale, his chancellor, Thomas Boyd, earl of Arran, his cousin, and counsellors; Mr. Martin Wan, his almoner and confessor; Gilbert de Rerich, archdeacon of Glasgow; David Crichton of Cranston, and John Schaw of Haly, his armour-bearers. They were furnished with two commissions, which seem to have been made out on account of the great difficulties attending the perpetual cession
of

of the isles of Orkney and Shetland to the crown of Scotland, which Christiern absolutely refused to grant. A.D. 1468.

By the first commission they were impowered to visit the empire of Germany, the kingdoms of France, England, Spain, and Denmark; the dukedoms of Burgundy, Brittany, Savoy, and other European countries, for a suitable match to their young master. This was indeed a ridiculous commission, but it is far from being unexampled in the histories of other countries, even after this time; and perhaps, by an over-refinement in politics, it was meant only to accelerate the conclusion of the Danish match; for by the second commission they were ordered to repair to the court of king Christiern, and to treat of a marriage between their master and the Danish princess, Margaret.

It was the beginning of September before the commissioners reached the Danish court, where the marriage was agreed to on the following terms. "First, That the Annual of Norway should be for ever remitted and extinguished. Secondly, That king Christiern should give sixty thousand florins of gold for his daughter's portion, whereof ten thousand should be paid before her departure from Denmark; and that the islands of Orkney should be made over to the crown of Scotland by way of pledge for security of the remainder, with this express proviso, that they should return to that of Norway af-

A. D. 1469. ter complete payment of the whole sum. Thirdly, That king James should, in case of his dying before the said Margaret his spouse, leave her in possession of the palace of Linlithgow, and castle of Down in Menteith, with all their appurtenances, and the third part of the ordinary revenues of the crown, to be enjoyed by her during life, in case she should chuse to reside in Scotland. But, Fourthly, If she rather inclined to return to Denmark, that in lieu of the said life-rent, palace, and castle, she should accept of one hundred and twenty thousand florins of the Rhine, from which sum the fifty thousand due for the remainder of her portion being deduced and allowed, the islands of Orkney should be re-annexed to the crown of Norway as before. Fifthly, That she should in no case or event be allowed to marry an Englishman, or any subject within the jurisdiction of England."

The Orkney and Shetland islands ceded to his crown.

From this contract it appears, that in fact the Orkney islands were only mortgaged for the payment of the remainder of the bride's fortune; and that the Scots had greatly abated of the demands they had made at the court of France. It happened, at this time, that Christiern was engaged in an unsuccessful war with the Swedes (who had thrown off his yoke, and had chosen Steen Sture for their regent) and other enemies; so that when the articles came to be executed, he found himself unable to ad-

vance

vance the ten thousand florins which he had engaged to pay down as part of his daughter's fortune. He was therefore obliged to apply to the plenipotentiaries to accept of two thousand, and to take a farther mortgage of the isles of Shetland for the other eight thousand. The Scotch plenipotentiaries, who, I suppose, had been properly instructed, gratified him in his request, and the negociation was finished on the tenth of May 1469.

1469.
His disappointment.

How far the earl of Arran, who was the main-spring of this negociation, was justified in this concession, I cannot determine; but I am inclined to think, that it assisted greatly in working his ruin, though it is not taken notice of by the Scotch historians. It may be easily supposed, that it was no small disappointment for a young king, who was preparing to receive his bride in the most splendid manner, and whose finances were perhaps not improved with the best economy, to be obliged to receive two thousand instead of sixty thousand florins. Neither indeed (considerations of state being set aside) can I think that the revenues of the islands could answer the sum for which they were mortgaged. Little doubt can be made that this, and other considerations of the same kind, contributed greatly to the ruin of the Boyd family. James, young as he was, had shewn dispositions that indicated no firmness of conduct; and the lord Boyd, who was now

A. D. 1469. stricken in years, could not be always about his person. The Kennedies and their friends soon influenced the mind of James, and the long absence of the lord Boyd favoured their designs; so that, before that nobleman returned to Scotland, the king was unalterably prepossessed against him. Boyd having finished his commission, embarked with his fair charge. She is said by Ferrarius, who knew her personally, to have been one of the greatest beauties, as well as most accomplished princesses, of that age. Her virtue equalled, if not surpassed, her personal charms; and James, whose person was remarkably handsome, entirely engaged her affections. The management of a negotiation which brings a beautiful bride to the arms of a young monarch, has generally been found a strong security for that minister. It happened in this case to be the reverse; nor do I perceive that the princess at all interested herself in favour of Boyd. In fact, his ruin, and that of his family, was resolved on for the very measures which he thought would have secured both. James repented his having married his favourite sister, who more than once appeared to have been destined for a crown; and he now disliked all the steps he had taken in his more youthful days, under the influence of the Boyds. Even the remembrance of the speech which they had persuaded him to make in parliament gave him disgust,

disgust, and he was at no pains to disguise his intentions to ruin them. A. D. 1469.

His sister, the countess of Arran, easily perceived this, and, from motives of affection or duty, or both, when she heard that the fleet which brought over the royal bride had anchored in the Forth, hurried in disguise on board the ship where her husband was, to inform him of his danger. As he and his family had no manner of dependence for pardon of the treasons they had been guilty of, particularly that of carrying off the king from his parliamentary guardians, he thought it would be madness to throw himself into the hands of his enemies (a man, perhaps, of greater resolution would have acted otherwise); he therefore declared to his wife, that he was determined not to set his foot on shore, but to fly abroad, and wait for better times. The countess offered to attend him, and he, equally ungenerously as impolitically, accepted of that proof of her affection. Had she remained at her brother's court, she would have had many opportunities of soliciting her husband's pardon, and perhaps of forming a strong party against his enemies. We are told, and I believe with great truth, that James resented the earl's carrying off his sister with him in his flight, more than he did any part of his other conduct. After all, when we consider the tender ties and the union of affections between a husband and

Ruin of the earl of Arran, husband to James's sister.

A. D. 1469. and a wife, we are not to be too hasty in our censures of that unfortunate nobleman.

Magnificence of the royal nuptials,

Ferrarius, who was a Piedmontese, and had seen the most splendid courts in Europe, says, that the festivities and entertainments exhibited at the marriage of James, exceeded all he had ever beheld on the like occasions. This gives countenance to those historians who represent the state of Scotland, at this time, as flourishing equally, at least, to any of the neighbouring kingdoms; and, indeed, when we compare their turbulent histories with that of Scotland for eighteen years past, we are not to be surprised on that account, especially when we reflect that foreign commerce was carried on by the prelates and clergy of the kingdom. As the young queen interposed in no affairs of state, the old lord Boyd, his son, the earl of Murray, and his brother, Sir Alexander, were summoned to a parliament which met at Edinburgh. The old lord, more than suspecting that his destruction and that of his family was intended, raised men, and (as Hawthornden says) appeared at Edinburgh with a force superior to that which guarded the parliament, and was therefore suffered to depart. This insolence increased James's indignation against him; and levying a strong body of troops, to protect himself and his parliament, the latter pronounced sentence against the three heads of the house of Boyd, on the second of November 1469. This sentence

tence was founded upon the treasonable removal of the king from Linlithgow, as has been before related. The Boyds and their adherents urged the parliamentary indemnity which had passed for that act; and here it must be confessed, the infirmity of the old parliamentary constitution appeared as conspicuously in Scotland, as it had often done in England on the like occasions. The enemies of the Boyds appealed to the notoriety of their power, which was such as rendered it unsafe for the free and independent part of the parliament to appear, or to vote against them; nor did James himself deny that the declaration he had made, and upon which that indemnity was grounded, had been suggested to him by the Boyds, and formed, in reality, a part of the charge of treason against them. The old lord had not the courage to stand his trial; but his brother bravely faced the storm, and produced an act of parliament, dated the twenty-fifth of October 1466, justifying all he had done. His defence availed him nothing, for he was condemned to die; and his head was accordingly cut off on the castle-hill of Edinburgh.

Lord Boyd
loses his
head.

Many are the reflections that occur from this part of the Scotch history. The justice of the sentence against the Boyds, according to the letter of the law, is questionable, but is certainly defensible, according to the spirit of the constitution; the parliament itself having com-
mitted

A. D. 1469. mitted an illegal act, in indemnifying them for having violated its fundamental principles.

The king's
sister di-
vorced from
the earl of
Arran,

The earl of Arran's fate was much harder than that of his father and his uncle, under whose direction he was, when he attended them in carrying off the king from Linlithgow to Edinburgh, the only act of treason that could be alledged against him. On leaving the coast of Scotland, he steered for that of Denmark; but finding an unsafe retreat there, he went to France, and by the recommendation of Lewis the eleventh (finding all his endeavours to be restored to his own country fruitless) he entered into the service of the duke of Burgundy, with whom he was in great favour; and he is said to have died at Antwerp in 1471, where a noble monument was erected to his memory. I cannot help thinking that the conduct of the king towards his sister, the countess of Arran, forms one of the blackest periods of his history; and, however the story may be palliated by some writers, enough remains, acknowledged by all, to shew the despotic and unrelenting disposition of James. His sister had borne two children, James and Græcina, to the earl her husband; but the lord Hamilton being now the king's favourite at court, a resolution was formed, against all laws, divine and human, that he should be his brother-in-law likewise. James had invited his sister home, and, in hopes of being able to serve her husband, she accordingly

ingly returned to Scotland. The reader is here to observe, that ever since the service that had been done by the lord Hamilton in the late reign, it had been given out, by the friends of the Hamilton family, that James had promised his eldest daughter in marriage to that nobleman as soon as she should grow up. Whatever may be in this tradition, it is certain, that soon after the return of the countess to Scotland, the king, in the most unwarrantable manner (that of summoning the earl of Arran to appear in sixty days, though the latter knew it must be his certain destruction) procured a divorce between that nobleman and his sister. This being the true state of the fact, it is by no means so important as historians have made it, whether she was married to the lord Hamilton during the earl's life or not. The infamy of the transaction lies in the manner of procuring the divorce, for which no historian has assigned the smallest reason, but barbarous despotism. Whether the earl, in the year 1474, when she is said to have been actually married to the lord Hamilton, was alive or not, is a matter of no consequence, because she was to be considered as a widow the moment the divorce passed. The delay of the marriage (if it was delayed) till the earl's death, was probably occasioned by the affection which his wife bore him, which would not suffer her to give her hand to another while he was alive.

and married to the lord Hamilton.

A.D. 1470.
St. Andrew's
erected into
an archbi-
shopric.

To this æra we are to refer the erection of the bishopric of St. Andrew's into an archbishopric. By what means this was effected, shall be shown in the ecclesiastical part of this history, for I am now to attend civil affairs. The parliament which had forfeited the Boyds, seems to have continued still sitting; at least many excellent laws were passed about this time. The Black Acts, so called from their being printed in Saxon character, under the reign of the unfortunate queen Mary, and the patronage of her historian, Lesley, bishop of Ross, are of singular use to the history of Scotland, because they are unerring guides. I shall touch upon those that are of the greatest national importance. This parliament had so great a regard to the poor, that if they were injuriously treated by the ordinary temporal judges, they were ordered to summon before the king and council not only the party injuring, but those who refused, or partially administered, justice, who, if found culpable of the first, were to be deprived of their office at the discretion of the king and council, and to pay cost to the plaintiff: and, if proved guilty of the latter, deprivation of office for three years was the penalty of those judges who enjoyed their offices in fee; but those who held them only for a time, were not only rendered for ever after incapable, but also corporally punished. In order to counterbalance the encouragement which this statute might

might give to vexatious or frivolous complaints, corporal punishments, if the parties could not pay, were enacted against the offenders; but, after all, an appeal lay to the king in council, and their decision was final. A. D. 1470,

As, before this time, the right to great baronies rested upon immemorial possession, and as the method of charter and seisin, now introduced, were considered as innovations, the states also ordained, That if obligations were not prosecuted within forty years, they lost their efficacy; and that those who bought by the new inventions (as they are called) of charter and seisin, reverfionable estates, must restore them to their ancient possessors, they fulfilling the forms of reversion. And as in times of confusion these might easily be lost, a register was appointed by the king, where they might be engrossed. The tumultuary proceedings in electing magistrates for burghs had been such, that their constitution was now new modelled. No set of magistrates were to continue longer than one year; the old council of each burgh was to choose the new; and both together, assisted by a tradesman chosen out of each craft, had the appointment of the succeeding magistrates.

Parliamentary proceedings.

The constitution of notaries, a set of men very necessary then in Scotland, fell next under the public consideration. By a kind of complaisance paid not only by the Scots, but other nations in Europe, the emperor of Germany

A. D. 1470. had always appointed them to act in all civil contracts. This was justly considered by the Scotch parliament as an invasion of the king's right, who was an independent sovereign. He was therefore impowered to appoint notaries, the bishop certifying for their morals and science; their instruments were to have full faith in all such causes, no imperial ones being henceforth to be permitted, but such as had the sovereign's approbation. From this restriction notaries ordained by the pope were exempted.

In the time of parliaments and general councils, and at fairs, it had been customary for the great constables of castles, for sheriffs, and the baillies of boroughs, to extort from the poor venders of provisions grievous customs by way of fees, by which they were not only oppressed, but victuals became dearer; the states therefore wisely ordained, That no such extortions should henceforth be levied on the subject, on pain of corporal punishment at the king's pleasure, and deprivation of office for a year. This act was intended by way of indemnification to the lower ranks of people, who, though excluded from the rights of voting at elections, were, at the same time, exempted from all oppressions, too often resulting from them; and, at the same time, under-tenants were obliged to pay no more to the creditors of their masters than the real debts they owed them. Several useful regulations were established in the admeasurement
of

of woollen cloth, and for the preservation of the fry of trouts, salmon, and other fish. A.D. 1470.

The regulations with regard to hospitals not having been carried properly into practice, the estates therefore requested the king and the ordinaries to see it put in execution, and appointed Mr. Richard Guthrie, king's confessor and almoner (eleemosynar), his majesty and the ordinaries giving him full authority to reform them. Although Saturdays and other vigils were by law only holy from even-song to even-song, mechanics had been accustomed to do no work the whole day : as this was a real detriment to both employer and master, they were ordered to work four hours every such day, on pain of losing their week's wages ; and to keep none but the great solemn feasts of the church, on pain of excommunication.

The great abuse of sanctuaries, by those who had been guilty of premeditated murder, became now a grievance that called for redress. The parliament therefore enacted, That where any slaughter was committed, or fore-thought felony, (as the statute expresses it) and the assassin fled to protection, the sheriff should inform the ordinary of the church, or the lords of the other sanctuary, that as such a refugee was a premeditated murderer, to whom the laws deny the immunity of the church, he must surrender him to be tried within fifteen days, where, if it can be proved that the murder was designed, he

A.D. 1471. he must be punished according to the laws of the realm; but if otherwise, he was to be re-intituled to the protection of the church. Severe penalties were likewise enacted against the sheriffs and other magistrates who suffered murderers to escape. The same parliament made some regulations with regard to the internal navigation of the kingdom, and the coinage, making it capital either to import or coin black or counterfeit money.

Characters
of James
and his
brothers.

Before I proceed in the history of this reign, it is necessary that I should lay before the reader some account of the character of the person, family, and court of James, in order to enable him to form some idea of the springs of the unhappy events which afterwards befel that prince. He had before his eyes, at the time I treat of, a prospect of being, though not the most powerful, yet the happiest and the richest prince that had ever swayed the Scottish sceptre. Faction expired at his feet; the feudal oppressions and rebellions were extinguished; the civil laws were revered; the people orderly, quiet, and submissive; and, above all, the clergy of every denomination, as I shall soon have occasion to shew, respected the king more than they did the pope. As to James, he gave himself up to a quiet, and perhaps too sedentary, a life. Music and architecture were his favourite studies. He delighted in the conversation of learned and ingenious men; and he had

had engaged some by considerable appointments from other countries to reside at his court. Such, if not the bright, is the fair, side of his character. James had not that fortitude of mind which his father possessed, and which made amends for a miserable education, when contending factions acquired and retained power, by indulging the disposition of their young king, however dangerous it might be. He naturally was fond of money; and he was weak enough to contrive the power with which the parliament had invested him, as belonging to his person, and not to his office; that is, he thought himself at liberty to employ it arbitrarily, without regard to the laws or inclinations of his people; and this was the source of all his misfortunes. His brother, Alexander, duke of Albany, affected a martial character. He delighted in arms and war-horses; in his person he was robust, and in his disposition rough and boisterous; so that he seemed designed by nature to supply what was wanting in the king his brother. The youngest brother, the earl of Mar, partook of the character of both. When at court, he was gentle and insinuating in his manners, but delighted in hunting, and other exercises of the field, and particularly in rearing a fine breed of horses. Such were the characters of those three royal brothers, as drawn by authors who were best enabled to judge. An incident happened, which, though

A. D. 1471. though properly ecclesiastical, claims a place in this part of our history, from whence it cannot be separated.

Contumacy
of the
Scotch
clergy
against the
Pope.

While the power of the Boyds continued, Patric Graham, nephew (tho' more probably uterine brother) to bishop Kennedy, being then bishop of Brechin, was nominated to succeed that prelate in the see of St. Andrew's; but it was necessary for him to repair to Rome, and there be confirmed by the pope. The Boyds made use of all their interest to prevent his journey, but without effect; for the bishop departed without the king's licence, was most graciously received by pope Paul the second, not only on account of his high birth, and alliance with the royal blood, but of his personal merit; and in the year 1468, his holiness confirmed his election. I have often observed, in the course of this work, how very independent the Scotch clergy were upon the papal power; nor has the reader hitherto met, in the course of this history, a single instance in which, as ecclesiastics, they influenced the affairs of the nation, or had any difference with the civil power; a happiness which no nation in Europe, besides themselves, could at that time boast of. Good bishop Graham very probably thought that his brethren paid too little deference to his holiness, and represented the necessity of removing all disputes with the metropolitans of York, who had long claimed a superiority
over

over the Scotch clergy, by giving the latter a metropolitan of their own, who would remind them of their duty to the holy see. Nothing could be more agreeable than this advice was to the pope, who immediately invested the bishop with the title of Conservator of the Church's Privileges *, and thereby convocator and president of the national synods. In 1471, he was made archbishop, primate, and metropolitan of Scotland, by Pope Sixtus the fourth; and no sooner was the power of the Boyds extinguished there, than he returned to his own country with those foreign feathers of ecclesiastical authority.

Sibbald.

Instead of being received by the clergy as the father of their church, they considered him as the tyrant of their order, and the betrayer of their liberties, and I think with great justice; as it will be proved, in the course of this work, that the Scotch clergy had, before this time, internal powers sufficient for regulating all affairs of their church, by electing from among their own body a prelate who could occasionally preside over them, and act as metropolitan. They applied to the throne, and, as some report, presented James with eleven hundred marks by way of free gift, which if they did, they certainly acted very properly. They represented to him, that Graham had behaved

* Conservator Privilegiorum Ecclesiarum.

A. D. 1471. not only improperly as a subject, but a churchman; that he had broken the laws, by repairing to Rome without a licence from the crown; that he had injured the interests and independency of their sees; that he had been guilty of simony, by purchasing ecclesiastical preferments at a foreign court; and, in short, that he had betrayed the rights of the Scottish crown to the pope of Rome; and that he was guilty of what the Scotch law calls barratry. Thus far the complaints of the prelates were regular and constitutional; but they opened a dangerous precipice for the liberties of the kingdom in another quarter.

Conduct of
James in
the dispute.

James, in amusing himself with his favourite studies, grew rather too fond of a private life, and put himself too much in the power of his domestics, some of whom were worthless clergymen. He was averse to business, and considered himself as under a kind of controul when in company with his own nobility. Thus his mind was left open to the impressions of designing men. They persuaded him, that it would be easy to improve the differences between the pope and his clergy, so as to engross into his own hands immense sums from the presentations to bishoprics and church-livings; and James greedily followed their advice. He sent express orders discharging Graham, who had already published his legantine and metropolitan powers, from proceeding in the exercise
of

of either; and an act of parliament was made, A. D. 1471. by which all clergymen, religious and secular, were prohibited to purchase abbacies, or such other benefices at the court of Rome, as of old had not been disposed of by that court, or to inform the same court of the value of benefices, or to procure unions of benefices, or to collect any more money for the use of that see than appeared to be due by the Provincial Book, or the Old Taxation of Bagimont, which, it seems, contained a concordat or agreement between the popes and kings of Scotland, with respect to the different rights of the pontificate and regale. The act farther declares all such persons, spiritual and temporal, who had done or would do any thing contrary to these statutes, to be traitors to the king, and for ever incapable of any office within the kingdom.

Those were regulations well worthy of a patriot parliament; but want of moderation in James rendered them the instruments of his despotism. The strict provisions against barratry * had shut up all intercourse between the inferior clergy, who were the greatest sufferers, and the see of Rome, to which alone they could appeal for redress against the corruption of the courtiers; so that the most considerate part of the nation began to think that matters had been carried rather too far against Graham; and

* This amounts to, what is entitled in England of premunire.

A.D. 1472. indeed that prelate was in a very undefirable situation. His adversaries found means to represent to his holiness the flame which his legantine and metropolitan powers had raised in Scotland; and, according to the politics of that see, he resolved to drop the man, but to support the measure, which indeed, through the depravity of the court, became now, in some degree, necessary. Graham's enemies, not contented with having triumphed over him in Scotland, carried their charges against him (though I think with no great consistency of conduct) to the court of Rome, where he was charged with being guilty of schism, simony, and other crimes. According to the Scotch authors, he was, in consequence of those accusations, degraded and condemned to perpetual imprisonment. But this could not have been done immediately; for in 1474, he is designed archbishop of St. Andrew's, nuncio, and legate à latere; and I find, according to archbishop Spotswood and Buchanan, that he discharged the episcopal, though perhaps not the archiepiscopal, functions of that see. It may be proper here to inform the reader, that all historians, and Buchanan among the rest, allow Graham to have been a prelate of great virtue and learning, of which the following is an instance. One William Schevez, a young divine, who sought to rise to preferment by any means, had studied at Louvain

under

Spotswood.
Buchanan.

under one Sperinc, a noted astrologer, a science by which all the courts of Europe were then bewitched, and among others that of Scotland. Having quick parts, and a plausible address, when he returned to Scotland, he figured in the court as a bright genius, and a profound astrologer, with such success, that James appointed him to the archdeanry of St. Andrew's.

The qualities which had recommended him to James proved, in the eyes of Graham, irresistible obstacles to his rising in the church; for he declared he never would admit into such a place a person whose chief merit was his applying himself to studies that were unprofitable or unwarrantable. Schevez, exasperated at this repulse, connected himself with one Lock, the rector of the public schools in the university, which were not under Graham's jurisdiction; and this Lock actually excommunicated the bishop. The latter, at first, despised so feeble a fulmination; but the court patronizing his enemies, they proceeded against him as an excommunicated person, dismissed his attendants, sequestered his effects, and seized his revenues. His all being thus sacrificed to James, he was taken once more into the royal favour; and Graham was so good a Christian, that he even was reconciled to Schevez; when, all of a sudden, the leeches of the court of Rome were let loose upon him, for payment of fees for the bulls that had been expedited in
his

A. D. 1473. his favour at Rome. In short, according to Buchanan, he was reduced to the most deplorable distress, both in mind and fortune, and was arrested in his own castle of St. Andrew's. His sufferings having affected his understanding, the care of his person was committed to Schevez, who was declared his coadjutor, and who, at last, obtained his see. Thus far I have thought proper to touch upon the management of the church in this part of my history, because it exhibits to the reader striking proofs of the true character of James and his court; and I shall now proceed in the civil history.

Distresses of
bishop
Graham.

Schevez
advanced to
the see of
St. An-
drew's.

1474.
Farther
proceedings
of parlia-
ment.

No prince ever took greater pains for his own aggrandizement, than James did for his ruin. While his courtiers were rioting in the spoils of the church, and every thing was venal in his service, he was blest with an active and a patriotic parliament, who were mistaken in nothing but their throwing too great a portion of the power, which they took from the scale of the church, into that of the prerogative. This however, as things were then circumstanced, was unavoidable; and it is no wonder if they afterwards exemplarily punished those who abused their generous confidence. The parliament which next met gave liberty to those who thought themselves injured by the verdict of an inquest, to appeal to the king and council; a provision which was full of equity, because inquests, in Scotland, in criminal matters, to this day, are

A.D. 1474.

are not required to be unanimous ; and, even in England, matters of law often arise that call for the opinion of a higher judicature. As the Scotch parliament had always a war with England in their eye, so they omitted nothing to provide against such an event. An act was made, That all spears, whether fabricated at home, or imported from abroad, should be six ells long ; a length so enormous, that at this distance of time its utility can scarcely be conceived. In imitation of the law of England, the great ecclesiastical fiefs were obliged to defray part of the burthen of war, and prelates, as well as barons, were to provide carriages for the field. Every yeoman, who was not an archer, was to provide himself with a battle-axe and a target made of one hide (folded we suppose into a reasonable compass) to resist the shot of the English ; a proof that the Scots, as yet, did not deal much in small artillery. Those arms were to be produced at all the reviews, or wappinshawings, which the sheriffs were enjoined to hold. The former laws against furred scarlets not having answered the purposes of sumptuary acts, because they had been succeeded by silks, which had not been provided against, it was ordained, That none but knights, minstrels, heralds, or such as could spend one hundred pounds of land-rent, should wear silken doublets, gowns, or cloaks, on pain of forfeiting ten pounds for every fault to the king, and

A. D. 1474. and the cloaths themselves (except such as were already made) to the heralds and minstrels. The wives of such as were not possessed of an annual revenue of one hundred pound, were forbidden to use silk for any thing but sleeves and collars, (as they are termed) on the same penalties.

Its excellent regulations.

But the act which ought to render this parliament immortal, and which proves how well they understood the national interest, was that relating to fisheries. Their ancestors had long seen the Flemings, the Dutch, the Hamburgers, the Dantzickers, and other sons of industry, all round them, acquiring power and riches by fishing upon the coasts of Scotland. Many acts had been made for improving those fisheries for the benefit of the mother-country; but the internal disturbances of the kingdom, the employment which the great men always found for their tenants in the prosecution of their family and other feuds, and the more easy methods of acquiring riches, by commerce or piracy, had always frustrated the good intentions of the legislature for that branch of industry. The following statute, however, was made in this parliament. The lords, that is, the parliament, think fit, for the common good of the realm, and the great *entres* (income) of riches, which will be brought into it from other countries, that certain lords, spiritual and temporal, and burgesses *gar* (cause) make great ships, busses, and

and pink-boats, with nets and all other necessities for fishing. Before I proceed, I am to take a view of the history of England, to preserve more naturally its connection with that of Scotland.

The earl of Warwic, who had been the chief instrument of placing Edward the fourth on the throne of England, had several motives, some of them founded in pride, and others in reason, for thinking that he and his family had been indifferently used by that prince, whose queen's relations now managed all the affairs of his government. He had an interview with Lewis the French king, with whom he passed some days in the highest intimacy; and they privately resolved upon restoring the crown to the house of Lancaster. The dissipated, dissolute, life led by Edward, had detached many of his foreign friends from his interest; and even his brother, the duke of Clarence, was in secret his enemy, and married the earl of Warwic's daughter, then the greatest heiress in England. Some insurrections, which soon after broke out in Yorkshire, afforded a fair opportunity for the Scots to have given disturbance to England; but they remained quiet, though the rebels had even proceeded to cut off the head of the earl of Rivers, father to the queen. At last, the duke of Clarence and the earl of Warwic declared openly against Edward; and making him prisoner, he was committed to Middleham-

Affairs of
England.

A. D. 1474- castle, in the custody of the archbishop of York, brother to the earl of Warwic. He soon escaped from his confinement; but the successes of the earl of Warwic obliged him to fly, with a few attendants, on board an English and two Dutch ships, that lay on the coast of Norfolk, to Holland. Henry, upon this, was restored to his throne; and he continued the marquis of Montague, brother to the earl of Warwic, his warden of the Scotch marches, from whence he met with no disturbance. Edward, through the assistance of the duke of Burgundy, soon after landed with a small army at Ravenspur in Yorkshire, where he found the country people so much in the interest of the house of Lancaster, that he was forced publicly to declare he was not come to reclaim the crown, but his family-estate; by which pretended moderation he soon acquired many friends. Being reconciled to his brother, the duke of Clarence, he marched to London, where he resumed the exercise of his regal functions, while the Lancastrian party shrunk to nothing; and the ill-fated Henry the sixth became once more a prisoner to his rival, Edward, who soon after defeated and killed the earl of Warwic and his brother, in the great battle of Barnet, which, in fact, secured the throne to the house of York. When it was too late, queen Margaret landed, with some French reinforcements, at Weymouth, in the west of England; and being assisted by the duke

duke of Somerset, and other Lancastrian noblemen, she once more brought an army into the field, which was finally defeated at Tewkesbury by Edward, who barbarously put her brave young son to death, after he had been taken prisoner. This murder was followed by those of the chief Lancastrians, who were either slaughtered in cold blood, or lost their heads by the hands of common executioners; but the young earl of Richmond, afterwards Henry the seventh of England, escaped from Wales to France.

The death of Henry the sixth (who is said, but falsely, to have been murdered by the duke of Gloucester, Edward's brother) happened soon after. The Scots had kept themselves entirely neutral during those momentous disputes in England; and indeed I am of opinion, that the leading men of the parliament and council were, in their principles, Yorkists, and thought that they could not espouse the cause of the house of Lancaster without endangering the tranquillity of their own country. Edward being re-settled upon his throne, thought the friendship of Scotland of so much consequence, that he could not do too much to secure it. He had formed a scheme for uniting his family to that of James by marriage, and had proposed his own daughter, Cecily, as a wife to the young prince who had been born to James, and was afterwards the fourth of his

A. D. 1474.
An effectual negotiation with that court.

A.D. 1474. name. As the parties were, as yet, in their cradles, and as it would require several years before such a marriage could take effect, Edward was willing, in the mean while, that some matrimonial connections might be formed between the chief families of England and Scotland; and accordingly plenipotentiaries were, by both kings, appointed to meet on the borders; those for Scotland being the bishops of Glasgow, Aberdeen, and Orkney; the earls of Argyle, Crawford, and Caithness; the lords Hamilton, Borthwic, and Seton; John Stuart lord Darnley, David Guthrie lord-register, and Duncan Dundas, Esq. After various meetings, all that those commissioners did, was to prolong the truce between the two nations to July 1483; the commissioners on both sides undertaking for their masters that, in the intermediate time, a new congress should be held, to dispose every thing towards a final accommodation.

Duplicity
of the
French
king.

The intrigues of Lewis the eleventh were the true causes why the late congress came to nothing. He never was without agents and ambassadors residing in Scotland; and that nation in general had such a veneration for their old allies, the French, that he found them always disposed to his interest, though perhaps not without employing pecuniary means, of which he was as lavish in his foreign negotiations, as he was sparing in his domestic concerns.

cerns. He was, at this time, at war with the duke of Brittany; and he had sent over one Concreffault, as his ambassador, to propose to James and his council to take part with him in that war, by putting to sea all the ships he could man, and by taking into his service a body of Danish troops. The duke of Brittany came to the knowledge of Concreffault's negotiation, and publicly charged Lewis with a fact, which is not at all unlikely, that he had offered James the duchy of Brittany on condition of his assisting him in the war, either against the duke of Brittany or Burgundy. The council of Scotland was not so forward as Lewis had expected to agree to his proposal, which might be well owing to that prince's character for dissimulation and treachery. They excused themselves, however, upon the unsettled state of affairs between themselves and England upon the borders, where indeed great disorders and irregularities had been committed. It would afford very little entertainment or instruction to recount the many fruitless meetings and conferences that passed on that account. It is sufficient to say, that after the late prolongation of the truce, the borderers on both sides were required to exhibit their mutual complaints and grievances; and courts for those purposes were appointed to be held every twenty days.

This

A. D. 1474.
Negociation
with the
duke of
Burgundy.

This unsettled state of affairs between England and Scotland (for Edward durst not trust to the truce) disabled that king from giving the assistance which he wished to afford to his friend and ally, the duke of Burgundy. The latter sent to Scotland two ambassadors, Folpard de Amerongen, and George Baert, in order to prevent any resentment which James might have on account of the late breaches of the truce upon the borders, while Edward was assisting him against the king of France. James faithfully promised to observe the truce for two years, but insisted upon satisfaction for a depredation of another kind, that had been made upon his subjects. I have already mentioned the great ship (Buchanan calls it the largest ever put to sea) that had been built by bishop Kennedy, and had always been employed in trading voyages. This vessel, which in foreign parts was called *Le Salvator*, in its return to Scotland, was wrecked upon the Yorkshire coast, and most of the crew perished. The barbarity of the inhabitants made prisoners of such of the crew as had the good fortune to come alive on shore; and, among others, the abbot of Inchcolm (who very probably had a large share in the cargo) fell into the hands of one Carr, who obliged him to pay an unconscionable ransom for his liberty. As the ship was immensely rich, James was advised by his council

Bishop
Kennedy's
great ship
wrecked,
and plun-
dered by
the English.

council to make the plunder of its contents a national concern, and to demand satisfaction for the loss his subjects had sustained. An embassy was accordingly dispatched to England, to demand redress of the barge. The inclination of James, and the situation of Edward, did not then admit either of those princes to think of war in earnest; and it was agreed, that the sufferers might sue for their damages in the courts of England, but without being at liberty to make any reprisals. Accordingly we find, that the Scots recovered five hundred marks for their damages; a signal reparation, but perhaps inadequate to their loss.

Rymer.

The situation of affairs in Europe continued to make the friendship of James of the utmost consequence to all parties; and as Edward sincerely intended to effect a thorough consolidation of their mutual interests, he omitted nothing that could remove all obstacles, especially the unredressed complaints upon the borders. He appointed the bishop of Coventry, the earl of Northumberland, with other noblemen and gentlemen, once more to meet with the Scots plenipotentiaries, who were, Thomas bishop of Aberdeen, David earl of Crawford, James lord Hamilton, Mr. Alexander Inglis, doctor of law, and Duncan Dundas. The grievances were too numerous, and of too complicated a nature, for those commissioners to finish them; and the places where courts for
that

A fresh
negociation.

A. D. 1474- that purpose were to be held were, Newbiggingford, Ridenburn, Gammilspeth, Bell, and Lochmabenstane.

Affairs of
Europe.

The incredible dissimulation, ambition, and inconstancy, of the several powers in Europe, at this time, present a very unusual scene of politics and action. The kings of France and England, and the dukes of Burgundy and Brittany, were the great parties concerned; but their views, schemes, and alliances, took different turns almost every week. At last, the duke of Burgundy, having a violent passion for having his duchy erected into a kingdom, took possession of the dukedom of Gueldres (a step that was far from being pleasing to James) offered his daughter in marriage to Maximilian, archduke of Austria, son to the emperor, and entered into a private alliance with Edward of England, whom he engaged to assist in reconquering France; and at last the duke of Brittany was to become a party in the same confederacy. Though this scheme was carried on with such inconceivable secrecy, that even Lewis the eleventh knew nothing of it, yet Edward found it necessary to impart it to James, who immediately sent private intelligence of it to the French king. How far his conduct in this was defensible, depends upon circumstances; but certainly the proposal carried a very terrible aspect towards James and his subjects. Lewis received the intelligence, as his manner was, without

without discovering much emotion; but he sent one of his ministers, Moneypenny (who, if I mistake not, was himself a Scotchman) to return James thanks, and to keep him firm in the alliance between the two crowns. Soon after, Edward actually claimed the crown of France, and invaded that kingdom; and the reader will find, in the French and English histories, how the coolness and policy of Lewis defeated all his schemes.

Notwithstanding the real attachment which James had for the house of Valois, the proposal of the marriage still continued between the prince-royal of Scotland, and the princess Cecily of England. In July this year, the following persons, attended by the lord Lyon, king at arms, were sent ambassadors to the court of England: Thomas bishop of Aberdeen, Sir John Colquhoun of Luss, and James Schaw of Sauchy. In the following October, they returned to Edinburgh, with the bishop of Durham, the lord Scroop, Mr. John Ruffel, keeper of the privy-seal, and Mr. Robert Booth, doctor of laws, in their company. These were commissioners for Edward for putting the last hand to the marriage treaty; and new commissioners for the same purpose were appointed by James, consisting of John bishop of Glasgow, William bishop of Orkney, Colin earl of Argyll, David earl of Crawford, the abbot of Holyrood-house, and the archdeacon of St. An-

A marriage proposed between the prince of Scotland and the princess Cecily of England.

A. D. 1474. drew's. The treaty was at last concluded on the twenty-sixth of the same month, and its terms import,

“ That, in order to promote the wealth, peace, honour, and interest of *this noble isle, callit Grete Britane*, a match shall be concluded between James, only son and heir of James king of Scotland, and Cecily, the youngest daughter of Edward king of England: that the truce made first at York in 1464, and prolonged at Newcastle in 1465, to the year 1519, shall be punctually observed: that during the said truce both kings shall be ready to assist one another, as often as required, against their respective rebels: that, in regard of the infancy of the prince and princess, he being as yet but in the second year of his age, and she no more than four years old, both kings shall solemnly promise to do all that in them lies to make the marriage effectual in due time: that the prince and princess, during the life of king James, shall have in dowry and joint feffement (I make use of the words contained in the record) all the lands and rents that belong to the old heritage of the prince and heir of Scotland, viz. the dukedom of Rothefay, the earldom of Carric, and the lordships, commonly called the Stuart-lands, of Scotland: that if the prince comes to be king before the death of the queen his mother, the princess, as being then queen, shall have for her dowry the tierce or third
part

part of the lands and rents that belong to the crown; and when the queen-mother comes to die, the same dowry which this last had enjoyed: that the king of England, in consideration of the said marriage and dowry, shall give with his daughter the sum of twenty thousand merks English money, whereof two thousand shall be paid every year at Edinburgh, in the parish-church of St. Giles; the first payment on the second of February next, the second on the same day of February 1475-6, and so on, till complete payment be made of the whole: that if either the prince or princess die before the consummation of their marriage, another marriage between the heir of Scotland and a daughter of England shall be concluded on the same terms; otherwise that all the sums of money paid in the manner above-mentioned by the king of England, shall be repaid by the king of Scotland within four years, the sum of two thousand five hundred merks being deduced, which sum the king of England is willing to sink in consideration of the marriage, even although it should never be completed."

Though this was one of the many matches concluded in those days, between princely parties, that never took place, yet many formalities attended it. The earl of Crawford and lord Scroop, as procurators for James and Edward, solemnly undertook, that the marriage agreed to should, to all intents and purposes, be made

1475.
New submission of
the earl of
Rois.

A.D. 1475. effectual, as soon as the prince and princess should arrive at the age prescribed by the canons. Many other ceremonies passed, at the same time, too tedious to repeat here, for securing the consummation of the match. It certainly was a measure extremely convenient, on many accounts, to James; and as Edward was punctual in paying the money stipulated, it was equal to a subsidy, and did James infinite service. James was advised to lay hold of the present favourable opportunity to humble the power of the earl of Ross, lord of the Isles, which had always been a sting in the bosom of his government, and that of his predecessors. We have already seen how John, who was then earl, had, upon the death of his predecessor, become a subject and liegeman to the king of England. Whether this submission ever came to the knowledge of James, does not appear in history; but I am inclined to think that it did, and that Edward actually sacrificed him to his new connections with the court of Scotland. Early in the year 1476, the earl of Ross (who, we are told by Buchanan, had committed great depredations at sea upon the subjects of Scotland) was declared an out-law, and a fleet and army were prepared to reduce him; the earl of Crawford being appointed admiral of the one, and the earl of Athol general of the other. The earl of Ross being now deprived of the assistance of England, was in no condition to resist; and the earl of Athol

Athol was rewarded with the lands and forests of Cluny, for persuading him to submit without loss of blood. He accordingly threw himself upon the king's mercy, and, by an act of parliament, which met on the fourth of July this year, he was deprived of the earldom of Ross, which was declared to be for ever unalienable from the crown; so that neither the king nor his heirs could give it to any but his second lawfully begotten son; though Abercromby seems to think that it might have descended to any of the king's lawful children. I am now to attend the proceedings of the same parliament.

In the act I have mentioned, empowering the subjects to appeal from inferior courts to the king and council, sufficient care had not been taken that the causes should go through all the intermediate tribunals. The consequence was, that appeals poured in so fast upon the council, that neither the king nor the members had any leisure to spare for other affairs. To remedy this, the parliament now ordained, That all complaints should first be pursued before the sheriffs, provosts, baillies of boroughs; in which, if they either refused justice, or were partial, the party aggrieved might then summon them before the privy-council. Several game-laws were enacted by the same parliament; and, though they are now obsolete, they shew that the Scotch land-holders of those days understood

Parliamentary proceedings.

A. D. 1476. derstood the diversions of the field (only with a greater mixture of humanity) as well as any of their posterity have done since, and that they were equally careful and provident about the preservation and propagation of game. It is to be lamented, that those meetings of the Scotch parliaments were generally so inconvenient to the commons and the minor barons, that they seldom or never attended a session to an end; and the consequence was, that public affairs, before their departure, were thrown into the hands of a few great noblemen, who, having all the powers of parliament vested in them, commonly consulted their own aggrandizement, without following out the excellent plans of government that had been delineated by James the second. Thus in 1474, all the public business was left in the hands of twenty-four persons of the three estates, and they had a power of continuing the session till the next parliament.

In the parliament I now treat of, it was decreed, that their sovereign lord's justice should, twice a year, ride through the realm, and hold his courts for criminal causes: and all sheriffs were commanded henceforth to carry with them a copy of the act which regulated their behaviour, with regard to those who took sanctuary. The penalties of the old law, contained in the *Regiam Majestatem* (the most ancient law-book the Scots possess) were ordered to be inflicted
upon

upon all who are convicted of giving partial verdicts in affizes; though, at the same time, the judgments given in consequence of those verdicts were irreverfible. The laws concerning infane perfons came next under the cognizance of this affembly; and it was decreed, That all their acts of alienation fhould be void, not only previous to what we may call a ftatute of lunacy being taken out againft them, but from the time that they could be proved to have been guilty of any act of infanity, or, as the Scotch law terms it, furiofity.

The following regulations are remarkable, becaufe they regard the coinage. As the importation of bullion to be given into the mint, proportionable to the commodities exported, (e. g. four ounces of filver for a laft of hides, and half that quantity for a laft of falmon) and for which, unlefs the merchant found furety, the officers of the customs were forbidden to give cockets, had been formerly enacted, fo had the carrying of coin out of the kingdom been particularly prohibited: yet, notwithstanding all the care of the eftates, money became every day more fcarce in Scotland. To remedy this, they ordained, That all the former laws fhould ftrictly be executed; that the king fhould appoint proper fearchers for retaining it in the realm; that the merchant fhould receive twelve fhillings for each ounce of bullion; that no gold nor filver already coined fhould be reminted (as they
loft

See Black
Acts.
fol. 61, c.
83, 84,

A.D. 1476. lost in the fire); and, lastly, because gold went then in Scotland at a lower price than in other countries, which induced the lieges to smuggle it abroad, whence its scarcity at home was farther increased, they consented to heighten its value, viz. the rose noble to thirty-five shillings, the Henry noble thirty-one shillings; the angel twenty-three shillings; French crown and the demy, each thirteen shillings and fourpence; the Scots crown thirteen shillings; the salute and rydar, each fifteen shillings and sixpence; the law seventeen shillings. All other gold pieces were to pass according to their fineness and weight, or at the pleasure of the giver and taker; and debts to be paid in the currency of the time when the debt was contracted.

There is another act upon record of this parliament, by which guerra courts were abolished. These were courts that proceeded upon the principles of the feudal law, and took cognizance of capital crimes, committed by servants of the same master. Those courts were thought to be derogatory to the authority of the civil law; and indeed they were incompatible with it, and were therefore very justly suppressed. The same parliament (says Abercromby) made void and null all manner of alienations, infestments, and grants, prejudicial to the king and his heirs, particularly gifts of crown-lands, mails, fishings, patronages of churches, hereditary offices, and erections of regalities, there being

being but too many such in the kingdom already, and the kings, for their own safety, being by law restricted from erecting more. The reader, in the notes, will have occasion to admire the foresight of the parliament which met next year, 1477, in matters that come not properly under the cognizance of general history, but serve to confirm what I have often hinted at, that the commerce of Scotland was, at this time, far greater than historians have generally imagined *.

* The estates then assembled at Edinburgh, 1477, and after securing the freedom of the holy church (a practice most religiously observed almost by every parliament during this reign) the king, who had been informed that bullion was scarce, and that all the old coin, notwithstanding all the precautions taken with regard to both, was melted down, at the request of his estates, was graciously pleased to grant, that all the money-laws, either made by his ancestors or himself, should be strictly executed; and, if necessity required it, that more rigorous ones should be instituted. In the mean time, till the realm should be sufficiently provided with bullion for the mint, his highness not only consented that no new money should be coined, but that the instruments employed for that purpose should instantly be removed to some place of safety, so that there arise no more hurt in the realm (as the record expresses) through the striking of money in time coming. But as soon as a sufficiency of bullion was imported, he and his council were to regulate the weight, fineness, and currency of the coinage, and ordain a proper warden and master of the mint, who should answer to him, with their lives and honour, that the money ordinances were duly practised.

Sixth of
August.

Black Acts,
fol. 62,
c. 89.

It has frequently been observed with what solicitude the king and parliament had attempted to suppress murder and other capital offences. Their care, however, hitherto had been attended with very little success, or rather slaughter. Treason and plundering (not to mention common theft) were as frequent as ever. This being imputed (perhaps with justice) to the remission granted such offenders by the king, the parliament earnestly intreated their sovereign, for the safety of his lieges, and the com-

A. D. 1476.
An act of
resumption
justified.

The new clause of resumptions of grants prejudicial to the crown, was founded on true policy, and may serve as an additional declaration that the parliament thought itself the paramount power of the nation, and that the members were resolved the king should live upon his own revenue, and be as little burthensome to his subjects as possible. The act itself could not fail of being extremely agreeable to a prince of James's disposition, as it reinstated him in great part of his revenue; but not having spirit to support it, it became the fountain of all the evils which terminated in his unhappy fate. He continued the same indolent course of life as before, which, circumstanced as he was, and ruling over such a peo-

Black Acts,
c. 88.

mon profit of the realm, that he would give no more remissions for theft, and cease to pardon, for three years, all who had committed, or should commit, any manner of murder, since he was twenty-five years old. To these limitations of the prerogative he willingly assented; and henceforth there was to be a clause in all remissions for old offences, that they were perpetrated before the king was of age.

Ibid, fol.
64.

Ibid, fol.
63, c. 92.

The laws against sturdy beggars and gypsies being revived, ferrymen were forbidden, on severe penalties, to raise their fares, to the no small advantage of the poor. And because the honesty of the nation had been loudly defamed by foreigners, from the diminished size of the vessels in which salmon was packed, it was ordained, That none should be sent abroad in any barrels but those of the old Hamburg measure, coopers being prohibited to make any less, which if they did, and merchants packed fish in them, they were to be forfeited, and the cooper to pay five pounds to the king. And farther, to increase the number of salmon, all craves (as they were called) set in waters where the sea ebbed and flowed, were universally to be destroyed; nor were any to be placed in fresh waters, but at the legal times, and of the width recommended by the old laws.

ple,

ple, was little less than criminal. We know, A.D. 1476. it is true, of nothing immoral that was charged upon him, farther than his amours, and a violent predilection for domestic favourites. On the contrary, his encouragement of the elegant arts was laudable, had it not interfered with his duties as a king. He had conferred a pension upon one John Ireland, a Scotchman, and doctor of the Sorbonne, merely for his eloquence, and had settled him in an opulent living. He had invited to his court, by another pension, one William Rogers, an Englishman, one of the greatest masters of music in that age, on whom he conferred the honour of knighthood. The public edifices, erected in his reign, excelled in taste and magnificence all on this side of the Alps, and rivalled even those of Italy in its then state; and he had shewn a proper acquiescence, in all the acts his parliaments had passed, for the good of his people, and bounding his prerogative.

The first misfortunes of James arose from his own blood. He had made his brother, the duke of Albany, governor of Berwic, and had entrusted him with very extensive powers upon the borders, where a violent propensity for the feudal law still continued. The Humes and the Hepburns, then the most powerful subjects in those parts, could not brook the duke of Albany's greatness, especially after he had forced them, by virtue of a late act, to part

James infatuated by judicial astrology.

A.D. 1476. with some of the estates which had been inconsiderately granted them in this and the preceding reign. By all that can be gathered from history, the duke was a prince of high notions, and had behaved with great roughness towards the families I have mentioned, who durst not face him in the field. If we are to believe Lindsay of Pitscottie (and I see no reason why we should not) the duke's enemies found means to corrupt some of his brother's private favourites to give James bad impressions of his designs; and he mentions particularly Cochran, who makes afterwards so wretched a figure in this reign. The pretended but wretched science of judicial astrology, with which James continued to be incredibly infatuated, was the easiest as well as most effectual engine that could work their purposes. One Andrew, an infamous impostor in that art, had been brought over from Flanders by James; and he and Schevez, now archbishop of St. Andrew's, concurred in persuading James that the Scotch lion was to be devoured by his own whelps; a prediction that, to a prince of James's turn, amounted to a certainty.

In the mean time, there can be no doubt that very unwarrantable methods were practised upon the minds of the duke of Albany and the earl of Mar, brothers to James. They might perceive his shyness, and that they were excluded from his countenance; that their brother

ther was governed by a most detestable sett of men; and, in short, that their own lives were in danger. Patric Graham continued still under the frowns of fortune, but inviolably attached to James. He was then a prisoner at Dumfermling; he heard, with a heavy heart, how his king was misled; and he wrote him, from his dungeon, a letter equally affecting and sensible. He said, that the misery of his imprisonment was less grievous to him than the sad reports he heard of his majesty's estate; and he complained, that his long captivity was a sufficient proof that his capital enemy (meaning Schevez) continued to be in high favour about the royal person; that he had brought the king very low in making him jealous of his brothers, by giving trust to his vain divinations; and no wonder these arts bring forth dissensions, which have their precepts from the father of lies and discord. He next observed, that there was no other difference betwixt necromancy and astrology, saving that, in one, men run voluntarily to the devil, and in the other ignorantly. Those and other very sensible remonstrances were answered in no other manner than by the unfortunate prelate being carried from Dumfermling to a still severer durance in Lochleven, where he finished his life.

Hawthornden.

The condition to which James had now brought himself by his belief in judicial astrology was truly deplorable. The princes upon the con-

Death of his brother, the earl of Mar.

A. D. 1476. continent were smit with the same infatuation ; and the wretches who besieged his person had no safety but by continuing the delusion in his mind. According to Lindsay, Cochran, who had some knowledge of architecture, and had been introduced to James as a master-mason, privately procured an old woman, who pretended to be a witch, and who heightened his terrors by declaring that his brothers intended to murder him. James believed her, and the unguarded manner in which the earl of Mar treated his weakness exasperated him so much, that the earl giving a farther loose to his tongue in railing against his brother's unworthy favourites was arrested, and committed to the castle of Craig Millar, from whence he was brought to the Canon-gate, a suburb of Edinburgh, where he died. Authors are divided as to the manner of his death. Buchanan says, that being cast into prison, he was condemned by the king's privy council, and put to death by having a vein opened till he expired ; and that the charge against him was commonly said to be his conspiring the king's death with witches, twelve of whom were burnt to give the better colour to the accusation. Lesley, though a favourer of the Stuart family, rather confirms than contradicts Buchanan's accounts ; and Ferrarius, who lived at the time, acknowledges, that he was murdered by James. Hawthornden, a professed advocate for every action
of

of his five James', explains away the bleeding the young prince to death, by supposing that he fell ill of a phrenzy, for which being blooded, he expired by tearing open the bandages. This is a ridiculous apology for a most infamous murder. There is nothing of too black a nature that a prince under the delusions James was, may not be supposed to be guilty of; and the truth seems to be, that he murdered his brother from his ridiculous belief of witchcraft.

The duke of Albany was at his castle of Dunbar when his brother the earl of Mar's tragedy was acted; and James could not be easy without having him likewise in his power. In hopes of surprizing him, he marched to Dunbar; but the duke, being apprized of his coming, fled to Berwic, and ordered his castle of Dunbar to be surrendered to the lord Evandale, tho' not before the garrison had provided themselves with boats and small vessels, in which they escaped to England. I shall readily admit, that the duke of Albany was so much alarmed by the scandalous misconduct of James, and the tragical end of the earl of Mar, as to enter into a correspondence with some of the chief lords for removing from James his worthless favourites, which the advocates for kingly power term caballing against the state. It is certain he ventured to come to Edinburgh, where James was so well served with spies, that he

and escape
of his other
brother, the
duke of
Albany.

was

A. D. 1476. was seized, and committed close prisoner to the Castle, with orders that he should speak with none but in the presence of his keepers. The duke had probably suspected and provided against this disagreeable event; for we are told that he had agents, who every day repaired to the castle, as if they had come from court, and reported the state of matters between him and the king, while his keepers were present, in so favourable a light, that they made no doubt of his soon regaining his liberty, and being re-admitted to his brother's favour. The seeming negociation, at last, went so prosperously on, that the duke gave his keepers a kind of a farewell entertainment, previous to his obtaining a formal deliverance; and they drank so immoderately, that being intoxicated, they gave him an opportunity of escaping over the castle-wall, by converting the sheets of his bed into a rope. Whoever knows the situation of that fortress, must be amazed at the boldness of this attempt; and we are told that the duke's valet, the only domestic he was allowed to have, making the experiment before his master, broke his neck; upon which the duke, lengthening his convenience, slid down unhurt, and carrying his servant on his back to a place of safety, he went on board a ship which his friends had provided, and escaped to France. Such, with a few immaterial variations, is the history of this escape.

Some

Some authors say, that the castle of Dunbar was not surrendered till after the duke's deliverance. A.D. 1476.

Though James was encircled by worthless favourites, and though superstition had its usual effect in him, that of rendering him credulous and cruel, yet his weakness and folly were confined to his court. His father's memory, and the dispositions he himself had shewn during the first years of his reign, joined to the alacrity which he had always discovered in concurring with his parliament in every measure of public good, kept his people within the bounds of their duty to his person and government. Some patriots, however, beheld his conduct with infinite concern and dissatisfaction. The chief of those were the earl of Orkney and Caithness, and Sir James Liddel of Halkerton. The former was one of the most powerful subjects in Scotland, and had married a daughter of the house of Douglas. His daughter by that marriage had been married (though some say uncanonically) to the duke of Albany; and it is not at all improbable that the Douglases might have been in concert with the duke and the earl of Orkney in a design of reforming the government. Perhaps the purpose of their confederacy went farther, even to the dethroning the king. James, however, stood still well in the eye of the public; and when the earl of Orkney fortified, or, as the Scots

*Diffractions
of Scotland.*

A.D. 1476. called it, stuffed, his castle of Crichton against the royal authority, both he and Sir James Liddel were forfeited by act of parliament. This severity was far from stifling the discontent against James, that prevailed among many of his great men. The duke of Albany was then in France, where he was caressed by Lewis the eleventh, whose dark disposition rendered him jealous of the good correspondence which still continued to subsist between the courts of England and Scotland. The duke, however, could not prevail upon Lewis to give him any other assistance than that of interceding for him with his brother; though we are told, that the duke's former marriage being found invalid, he procured for him the daughter of the earl of Boulogne, one of the greatest fortunes in France. The similarity of the characters of Lewis and James is, at this time, striking. Both of them hated their old nobility; both of them were devoted, to distraction, to the most ridiculous superstitions; both of them had a violent passion for pilgrimages. Lewis had given a barber the management of his finances, and James had committed his to the care of Rogers, the English fiddler.

Hawthorn-
den.

Trans-
actions with
England.

When we turn our eyes to England, there we find Edward the fourth putting his brother, the duke of Clarence, to death, as James had put the earl of Mar; but Edward continued to be punctual in the payments, to which he was engaged

engaged by treaty, with James. In 1477, he received a payment by the hands of Alexander lord Hume, Robert Lawder of Edrington, son and heir of Robert Lawder of the Bass, and Adam Blackader of Blackader. This punctuality of Edward was far from making James his cordial friend. Lewis of France retained a strong power over his affections, by means of doctor Ireland, and his other agents in Scotland; and no doubt supplied him, as well as Edward did, with money. Here I shall take an opportunity of mentioning a most curious coin, that has been omitted by all who have written upon the medallic art, which most undoubtedly belongs to James the third. He had a particular veneration for the shrine of St. John, at Ambois in France, where the head of the Baptist is said to be still preserved. His passion for visiting that relic was so great, that, about this time, he obtained from Edward a safe-conduct to travel through England in his way to France. Incidents happened that rendered this design abortive; but James ordered a most magnificent medal, surpassing, perhaps, any thing of the same kind in that age, to be struck, and sent in a present to the shrine of the good saint. It is of gold, and weighing between six and seven guineas. Its diameter is two inches and a third. The one side represents a beardless king, with long hair, sitting on a royal throne, holding in one hand a naked sword,

A. D. 1477.

Rym.r.

1478.

Account of
a remarkable medal
struck by
James.

A. D. 1478. sword, and in the other a shield with the Scotch arms. On the borders of the canopy, which surmounts the throne, is an inscription in Gothic letters, *In mi deffen*, meaning, In my defence, an ancient motto belonging to the arms of Scotland; and above the canopy are the words *Villa Berwici*, which proves that the medal was struck at Berwic. Around the figure is the following inscription in Gothic letters likewise: *Moneta nova Jacobi tertii Dei gratia regis Scotiæ*; that is, The new money of James the third, by the grace of God, king of Scotland. On the other side is the figure of St. Andrew, the patron of Scotland, with his cross, and round him the words *Salvum fac populum tuum, Domine*, O Lord, save thy people *.

James prepares to invade England.

Though James, in the request he made for a safe-conduct, says, that he was desirous of nothing more than to see his most dear brother and cousin, Edward of England, yet it is certain he was teized so much by doctor Ireland, that he sent ambassadors to England, requiring Edward to withdraw his assistance from the duke of Burgundy, who was then at war with the French king. This requisition, however,

* I have taken the account of this coin from the celebrated antiquary Du Cange, in his *Traité Historique du Chef de St. Jean Baptiste*. Though I call this piece a medal, yet Du Cange thinks it might have been a current coin; but this is scarcely supposable. As I never heard of any duplicate of it, it is not impossible that James, from an excess of complaisance to the saint, might have ordered the die to be broken. See likewise Anderson's *Selectus*.

seems only to have been a matter of form; for I find that, in the beginning of the year 1478, a treaty of marriage was on foot between the king's second sister and the earl of Rivers, brother to the queen of England, which did not take place. The perpetual practices of the French agents, at last, made an impression upon James, and he shewed dispositions for invading England. His greatest difficulty in breaking with Edward lay in his being obliged to repay the money he had received of the princess Cecily's fortune, in case the marriage between her and the prince of Rothesay did not take place; but Balfour, in his Manuscript Annals, tells us, with great probability, that Lewis offered to make him easy on that head out of his own finances. James, being thus resolved on a breach with England, was well furnished with pretexts for beginning the war. The earl of Douglas and his partizans were in greater favour at Edward's court than ever; and the garrison of Dunbar had been received in England as the friends and allies of that nation. The earl of Ross was discontented, and he, with one Sir Alexander Rait, had withdrawn to England, after being summoned to appear before the Scotch parliament, and forfeited for their non-appearances. All this time, a seeming good understanding was kept up between Edward and Lewis, who paid the former a subsidy of fifty thousand crowns a year; but the under-

hand

A. D. 1478.

1479.

A.D. 1480. hand dealings of Lewis began to be displayed about the beginning of the year 1480, when the preparations of James for invading England could no longer be disguised.

The war began by the commission of mutual hostilities upon the borders, with the connivance of both kings; but James, to keep up appearances, sent a herald to the English court, with offers to redress all attempts that had been made by his subjects against the truce, provided that king Edward would do the like. Edward, who had been long uneasy at the connections between James and Lewis, detained this messenger for some time, and then sent him back without any answer. The truth is, that he had now come to a resolution how to act, and had nominated his brother, Richard duke of Gloucester, to be his lieutenant-general against James, who, he said, proclaimed war sooner by deeds than he did by words, alluding to the hostilities that had been committed upon the borders. In the duke of Gloucester's commission, many expressions are made use of, which prove that Edward acted by the instigation of the discontented Scots. He calls James his inveterate enemy, who, despising his own reputation, and all his nobility, was preparing to make war against England. Both nations were now prepared for hostilities; but when James was marching at the head of his army to the frontiers, he was accosted by a nuncio from the pope,

pope, who commanded him to lay aside his arms, as the Turks were then threatening the ruin of all Christendom; upon which, James, not doubting that the same injunction had been laid upon Edward, disbanded his army. I have related this event as it stands upon the records of Scotland; but I am strongly inclined to believe, that the true reason why James did not proceed in his march, was the disappointment he met with from Lewis. That prince continued his favour to the duke of Albany, who no doubt impressed him with a contemptible opinion of James, on account of his variance with his old nobility; and Lewis had neglected to make him the remittances he had promised, which might be the true reason why he had dismissed his army.

Edward was under no papal influence, and his army being on foot, he ordered it to enter the borders of Scotland, great part of which was ravaged. The borderers, though unprotected by the royal troops, stood on their own defence, and repelled the invaders; upon which, Edward ordered a general rendezvous of all his troops in the North, and laid siege to Berwic. The place had been newly fortified by James at a great expence; and the season being far advanced, the garrison made so gallant a defence, that the English were obliged to raise the siege, though they had made several breaches in the new built walls. Edward considered this

*The, siege
of Berwic
raised.*

A. D. 1481. as a defeat and disgrace to his army; and early in the year 1481, he took the field in person against his unfaithful and ancient enemy, as he called James, commanding his subjects to attend him in his designed expedition, in their persons, with waggons, arms, ammunition, and all other implements of war.

It does not appear that, even at this time, the body of the Scotch nation was disaffected to their king. He had, on the contrary, so great a confidence in their loyalty, that on the second of April he summoned his parliament, to meet at Edinburgh. He there laid before them the whole state of affairs between him and the "reifar," that is, usurper, Edward of England; and they entered very warmly into his quarrel. They disclaimed the right of Edward to the crown of England; and there is somewhat so very clear and precise in their resolutions, that I shall lay them before the reader. They say, "That because it is undoubtedly true that the said reifar, Edward, through his boundless avarice, and insatiable desire of plunder and conquest, being fearless of God, and regardless of the effusion of blood, of the oath himself had made to keep the truce, and of his honour and loyalty, is positively determined to prosecute the war which he so unjustly commenced, and to endeavour, with all his power, the destruction and conquest of this realm, the three estates have therefore heartily and freely promised to
our

our sovereign lord, to stand firm in their obedience to his highness, with their persons, lands and goods, in defence of his most noble person, his succession, realm and lieges, as they and their ancestors had done before." This brisk resolve was attended, or followed, by several very important advices which they gave to his majesty, and orders which they emitted with his concurrence towards a vigorous defence. In the first place, they ordered all men living within the kingdom to be ready upon eight days warning, or sooner, if required, to attend the king with arms and provisions for at least twenty days. They made regulations concerning the weapons, such as spears, axes, bows, &c. which every man was to bring along with him, and couriers or posts for the quicker dispatch of necessary orders and intelligences. They appointed the castles of Dunbar, Lochmaben, St. Andrew's, Aberdeen, Tantallon, Hume, Douglas, Hales, Edrington, the Hermitage, and in general every gentleman's house to be well provided with victuals and artillery; "and because, say they, of the honourable and courageous opinion, that is, resolution of our sovereign lord, to preserve the town of Berwic, and the great cost and expences his highness has been at in fortifying, strengthening, and new-building the walls of the same, as also in repairing the castle, and furnishing it with artillery, and in placing a garrison of five hundred men in the

His dispositions for that purpose,

A. D. 1461. town, to be maintained at his majesty's charges, to the great honour and profit of the realm, and no less harm and detriment of the enemy; they therefore oblige themselves to maintain as many more men in other places, that is to say, twenty in Blackader, twenty in Wedderburn, sixty in Hume, sixty in Cesford, sixty in Jedburgh, twenty in Ormiston, twenty in Edgerstoun, twenty in Cocklaw, twenty in Dolphinistoun, one hundred in the Hermitage, forty in Castlemilk, forty in Annand, and twenty in Bellistower."

by order of
parliament.

The act then proceeds to name the different officers of this army. James Borthwic, son of the lord Borthwic, was to command the garrisons of Blackader, Wedderburn, and Hume, with two captains under him; and the head of the house of Edmondston the garrisons of Cranston, Lemington, Clofburn, and Annisfield. These principal captains (says Abercromby) as they are called, were to receive all the pay due to themselves, their under-captains or lieutenants, and soldiers, under their respective commands, eleven shillings and sixpence being the daily allowance given to every spear, and eleven shillings to every bow, which money they were to deburse, as they should be answerable to the king's highness; and the three estates obliged themselves to raise it, the clergy being bound to maintain twelve score, or two hundred and forty men, the barons as many,

many, and the boroughs one hundred and twenty. A. D. 148.

It must be acknowledged that this act carries with it an appearance of a standing army; but it was an army under the direction of the parliament, which even nominated its officers. As to the king's name being made use of in the statute, it is merely a matter of form, and can never establish any paramount right the king had in the direction of this army; for the same power which had nominated the officers undoubtedly might reduce them. The constitution of Scotland, at this time, it is true, considered the king as being the head of the parliament, but never understood that he was vested with any power, but what he derived from his people. He was likewise general of the army, but that army was composed of his people, who supposed, if they were invaded by Edward in person, that he was to head them. That this was the case there can be no manner of doubt, from the purport of the following act, for providing against the national enemies, in case of an invasion.

It set forth, "That all possible diligence should be used in order to get intelligence of the designs and approach of the said reifar Edward; that in the mean time letters should be written to all sheriffs, commanding all our sovereign lord's lieges to be in a readiness to attend him with their horses, arms, and sufficient provisions;

A.D. 1481. fions; that frequent wappinshawings or rendezvouses should be held; that upon sight of an enemy fires should be kindled upon eminences near the sea-coasts, within every fix miles of length, and one of breadth; that fit officers should also be posted within fix miles of one another, to raise and command the country when occasion should require; that if the said reifar Edward happened to invade the kingdom in person, he should be resisted by our sovereign lord in proper person, at the head of the whole body of the realm, as they will live and die with his highness in his defence; and if the said reifar did only send wardens at the head of his army, that he should likewise be resisted by wardens and lieutenants, sufficiently impowered for the purpose."

From the words of this act nothing can be more plain, than that the parliament made all the dispositions for carrying on the war, even to the appointing the king's highness to command the army, if the king of England should invade Scotland in person. This was carrying the power of parliament very high in a monarchical state, as it reduced the royal authority to its first principles, as mentioned by Tacitus and other great writers, who say that the first kings among the northern nations were originally no other than generals chosen by the people to head them in time of war. But this parliament even appointed the generals

rals and officers, who were to command their army, if the king should not take the field in person. Upon the face of all this parliamentary proceeding, it is evident that the members were under great difficulties. They were, on the one hand, zealous for the independency of their country, in opposition to Edward, the duke of Albany, and the Douglas faction, who they knew had consented to sacrifice them. On the other hand, they saw James besett with worthless, upstart, favourites, who imposed upon his credulity, and were sowing the seeds of dissension between him and his old nobility; and this seems to have been the true reason why they thought proper to take the direction of the army upon themselves. Previous to this, a proclamation was emitted for rewarding any one who should bring the person of the traitor James of Douglas (meaning the exiled earl of that name) to the king, with the sum of a thousand marks, and an heritable estate and land to the value of an hundred marks of yearly rent. By the same proclamation, twenty pounds was offered for taking any of his followers, if a gentleman, and ten pounds if a yeoman. A full pardon and indemnity was offered to all the followers of the traitor Douglas, who should return to their allegiance in twenty-four days; and likewise to the borderers, and all other offenders within the kingdom, excepting the traitor James of Douglas, Alexander Jard-
ing,

A. D. 1482. ing, Sir Richard Holland, Mr. Patric Haliburton, a priest, and all other traitors who had sworn themselves Englishmen, and continued to remain in England.

The English
invade
Scotland.

These were wise and patriotic measures; and the king appeared to be so well pleased with the proceedings of his parliament, that he thanked them in a speech, and promised to remove all their grievances, and possible causes of their discontent, an evidence that he was conscious they had such. This speech seems to have been dictated by his worthless favourites, to avoid the future storm, which the state of national affairs, at this time, presented. Edward, reviving the policy of his ancestors, employed Haliburton the priest, captain Henry Pole, and John Bain, mayor of Carrickfergus, to treat with, and conclude an alliance with, his most dear cousin, the lord of the Isles, and earl of Ross, his much beloved cousin, Donald Gorne, and all the cousins and counsellors of the said earl. It is probable that Edward had great dependence upon this alliance, and that this was one of the causes, joined, perhaps, to his want of money, why he did not this year take the field against the Scots as he proposed. His most powerful reason, however, might be the excellent preparations which, by the vigorous resolutions of parliament, had been made upon the borders of Scotland to receive him. That he might not seem perfectly inactive, he ordered his fleet to
ravage

ravage the coasts on each side of the Forth at discretion ; but its commanders found even the gentlemen's seats in so good a posture of defence, that all they did was burning a few hovels, and taking or destroying eight merchant-vessels. The Scots had many reasons for keeping themselves entirely upon the defensive. They could not depend upon the French king, who continued to protect the duke of Albany, and every day increased their discontent with James; and their dislike of his favourites. On the other hand, the king of England was strengthening himself by family alliances with all the great powers of Europe, and actually received from Lewis a yearly subsidy of twenty-five thousand crowns ; though he had lately concluded a defensive treaty against that prince with the duke of Brittany, and declared that he was ready to invade France. This declaration was so agreeable to his parliament, that when it met on the fourteenth of January, 1482, it granted him a large subsidy. All the historians of this time agree that Edward had many great schemes in view, and that he thought none of them could take effect without securing Scotland. Lewis the eleventh had probably disappointed James in the money which was to refund the marriage-portion of the princess Cecily, the non-payment of which was laid hold upon by Edward to justify his invasion. He had for some time kept up a correspondence with the duke of Albany, who,

not-

A.D. 1481.

1482.

A. D. 1482. notwithstanding all the obligations he lay under to Lewis, was dissatisfied with his coldness in soliciting his being reinstated in his Scotch honours and estate. That duke's first wife, the earl of Orkney's daughter, was still alive, as was his second wife, the daughter of the earl of Murray; but several objections were made to the last marriage. Edward, who was no stranger to the duke's difficulties and discontents, secretly offered him all he could demand as the price of his services; and he agreed that it should be no less than the crown of Scotland, which the duke was to hold of Edward.

Infamous
agreement
of the duke
of Albany
with the
king of
England.

Lewis having some suspicion of this infamous compact, the duke was so narrowly watched, that a ship, commanded by one James Douglas, was sent to carry him off by stealth from France; and the ship-master having perfectly succeeded in his undertaking, Edward gave him a noble reward upon the duke's arrival in England. It appears that they met together at the castle of Fotheringay, in the beginning of June, and that they entered into articles of agreement the tenth of the same month, which were repeated and ratified the next day. In this negotiation the duke of Albany is stiled Alexander king of Scotland, by the gift of the king of England, a meanness which never had disgraced even the Baliol titles. The rest of this agreement is infamous, almost beyond belief or precedent. Alexander obliged himself and his heirs to as-

sist,

fist, with all his power, king Edward and his heirs, in all his quarrels, and against all earthly princes or persons; to swear fealty and do homage to the said king Edward for the crown of Scotland, within six months after his being put in possession of the most part of the kingdom; to give up the town and castle of Berwic to the crown of England, as also the castle of Lochmaben, and counties of Lidsdale, Eskdale, and Anandale, fourteen days after his being conducted by the English army to Edinburgh; to break, renounce, and disclaim the old league between Scotland and France, and never to renew the same. Lastly, if he could make himself clear of all other women (a testimony that his lady was not yet dead) according to the laws of the Christian church, within a year, or sooner, to marry the lady Cecil, king Edward's daughter, to his nephew the duke of Rothsay; and if he could not by the laws of the church get free of other women, not to suffer his eldest son and heir to be married, but by the order of the king of England, and to some lady of his blood. On the other hand, king Edward obliged himself to assist the said Alexander towards reducing the kingdom of Scotland to his obedience, and to support him in it against James, now holding the crown of that realm.

It is very remarkable, that this treasonable contract is neither mentioned by Boece, who wrote at the time, nor by Buchanan, nor in-

examined
and cen-
sured.

A. D. 1482. deed by any Scotch historian who wrote before the reign of queen Anne, when Mr. Rymer published his Collections. It is true that some of them suspected, and Lesley affirms, that Edward designed to place the duke of Albany on the throne of Scotland; but even Hawthorn-den is far from imagining that the duke's engagements sacrificed, to his ambition, every tie of nature and duty. Buchanan was so ill informed, that he treats the duke's views upon the crown as mere chimeras, suggested by his enemies to prepossess the king against him. Upon the whole, whatever the demerits of James at this time might have been with regard to his people, yet they certainly were not such as could justify the duke's conduct. He had, it is true, received great provocations, and he might have known so much of James and his favourites, as to induce him to believe there was a necessity for abridging their power, and reforming the state. But it is now necessary to attend the court of James, which was generally held at Stirling.

Cochran the
favourite of
James.

Cochran had now got so much the ascendancy over his affections, that there was no access to the royal presence but through him. The king made him a present of the revenues of the earldom of Mar, but whether he dignified him with the title is a matter of some doubt, though the old historians call him earl. It is on all hands agreed, that he made
a most

a most unworthy use of his favour ; and that at last he obtained a power of coinage, which he abused so much, as to endanger an insurrection among the poor people ; for he issued a base coin, called Black-money by the common people, which they refused to take in payments. Cochran's skill in architecture had made him first known to James, but he maintained his power by other arts ; for well knowing that his master's weak side was love of money, he procured it by the meanest and most oppressive methods. Though Cochran stands in history as the most distinguished of James's favourites, because none among them, besides him, appears to have entered into the management of public affairs, yet the names of others, of professions still more despicable than that of Cochran, have come to our hands ; James Hommil a taylor, Leonard a blacksmith, Torrfan a fencing-master, and others. The only two domestics he had, who are distinguished as gentlemen, were Thomas Preston and John Ramsay ; but they were not favourites, and had very little credit at his court. The influence of the worthless minions over James is said to have been such, that though he was inclined to have relieved his people, by calling in Cochran's money, he was diverted from that resolution, from the consideration that it would be agreeable to his old nobility.

A. D. 1482.
War with
England.

I am far from denying the possibility that many reports concerning this unfortunate prince might have been exaggerated ; but even Lesley, one of the greatest advocates for the royal line of Scotland, and who had the greatest opportunities of information, admits, that they were but too well founded in the main. Public acts of state were indeed managed, as usual, by the nobility and great officers of the crown, that is, all the troublesome parts of government were left to them, while they had no access to their prince, to lay before him their own or his people's grievances, or the true state of his affairs. I do not perceive that they intended to restore the feudal system, as it had been settled in Scotland before the restoration of James the first ; but, at the time it was reformed, there was no intention to impair the constitutional rights of the great lords and landholders, one of which was the free access to their king's person and councils, from which they were now excluded. Many meetings were held among them, and some dutiful messages, we are told, were sent in their name to the king, petitioning him to dismiss his worthless favourites, and to take men of virtue, rank, and family, into his confidence ; intimating, at the same time, that if he did not follow that advice, he and his minions must answer for the consequences. James, in answer

swer to this message, said, that he employed A. D. 1482. noblemen as his ministers in the great affairs of state, but that he saw no right they had to advise him in the management of his domestic concerns; that the servants they complained of were men whom he loved and could trust; nor would he dismiss one of them at the request of the lords. As a softening to this answer, he concluded it by saying, that if all his nobility would meet together, and be unanimous in opinion, he would be counselled by them in the defence and liberty of his realm. There can be no doubt that many secret well-wishers to the exiled family of Douglas were present at this meeting, who looked upon the king's answer to be a denial of their just demands; but as the nation was then upon the eve of a war with England, they forbore to shew any marks of resentment till the army should take the field; a strong presumption that they considered it as being under their own direction, rather than that of the king.

It is observable, that the two papers, containing the stipulations between Edward and the duke of Albany, seem, by their style and manner, to have been drawn up by a Scotfman, from whence we may infer, that Edward had resolved to grant to the duke his own terms, at least on that occasion. He had, by this time, named his brother, the duke of Gloucester, to command the army that was to invade

A.D. 1482. vade Scotland; but it is certain that the shameful agreement which had been made with the duke of Albany was unknown to many of the Scotch noblemen who had confederated against James; but many circumstances incline me to think it was no secret to others. Be that as it may, the duke of Gloucester's commission was very ample, and enabled him to raise all the northern counties of England. Two hundred pounds were advanced him to defray the expence of his artillery, besides an hundred more for buying two hundred and twenty draught-horses for carrying it from Newcastle to Scotland. In the intermediate time, hostilities raged between the two nations. An attempt was made by the English to surprise Berwic, and another descent was made at the mouth of the Forth; but the first design miscarried thro' the bravery of the garrison, and the latter by the excellent dispositions which had been made by the parliament. The two dukes continued their march, and renewed the siege of Berwic; upon which, James sent out proper summonses for assembling an army, with forty days victuals for each man, to appear on the Boroughmuir of Edinburgh, and from thence to pass forwards with the king where he pleased, in defence of the realm.

James
raises an
army.

An excellent army was accordingly raised, but it was commanded by officers who were disgusted with the conduct of James, and some
of

of them in confederacy with the usurper duke of Albany, and the earl of Douglas. The troops, in short, were more under their command than under that of James, while he and his favourites were so secure and infatuated as not even to suspect the least design against themselves. Cochran seems to have had the charge of the artillery, great part of which was brought from the castle of Edinburgh; and the army, which is said to have consisted of about twenty-four thousand well-appointed men, borderers included (though some writers have made them double that number) marched from Edinburgh to Sowtry, and from thence to Lawder, a town lying on the confines of Merse and Teviotdale. Here the confederated lords resolved to put their great scheme in execution; and, however their conduct has been impeached by advocates for arbitrary power, their proceedings undoubtedly were worthy the sons of liberty. They are said to have consisted of twenty-four noblemen, the chief of whom were the earl of Angus and the lord Evandale; the first, according to Lindsay, being president of the council, and the latter chancellor of the kingdom; the earls of Argyle, Huntley, Orkney, Lenox, Crawford, and Buchan, with the lords Hume, Fleming, Gray, Drummond, Seton, and several bishops, ecclesiastical lands being then subject to military services. Some of those noblemen and their families had always been eminently attached to the crown;

A. D. 1482. crown, and were still so to the person of James, particularly the chancellor, the earls of Huntley and Lenox, with the lords Drummond and Seton; but, upon this occasion, they unanimously resolved to make a distinction between the king's personal and political capacity, and, whatever repugnance he might shew, to remove the evil counsellors from before his throne.

Cochran and
his associates
hanged at
Lawder,

The army lay encamped between the town and church of Lawder, and the lords, after some deliberation *, resolved, to remove the king, with some of his least exceptionable domestics (but without offering any violence to his person) to the castle of Edinburgh; but to hang all his worthless favourites over Lawder-bridge, the common place of execution. Their deliberation was not kept so secret as not to come to the ears of the favourites, who suspecting the worst, wakened James before day-break, and informing him of the meeting, he ordered Cochran to repair to it, and to bring him an account of its proceedings †. According to Lindsay, who

* The lord Gray desiring to be heard, told them the apologue of the mice, " who consulting in a public meeting how to be free from being surpris'd by the cat, found out a very good way, which was to hang a bell about her neck, which would ring as she stepped, and so give them warning of her approach: but, added he, when it came to be questioned, who would undertake to fasten the bell to the neck of the cat, there was never a mouse durst promise so much upon his own courage." The earl of Angus immediately took the thought, and answered, " I will bell the cat;" which bold answer got him the name or appellation of Archibald Bell the Cat; and the truth is, he very well deserved it.

† Lindsay's description of this upstart's magnificence is very particular, and may serve to give the reader an idea of the finery of that age.

" Cochran,

seems to have had very minute information as, A. D. 1482.
to this catastrophe, Cochran rudely knocked at the door of the church, just after the assembly had finished their consultation; and upon Sir Robert Douglas of Lochlevin (who was appointed to watch the door) informing them that the earl of Mar demanded admittance, the earl of Angus ordered the door to be thrown open, and rushing upon Cochran, he pulled a maffy gold chain from his neck, saying, that a rope would become him better; while Sir Robert Douglas stripped him of a costly blowing-horn he wore by his side, as was the manner of the times, telling him he had been too long the hunter of mischief. Cochran, with astonishment, asked them whether they were in jest or earnest; but they soon convinced him they were in earnest, by pinioning down his arms with a common halter till he should be carried to execution.

“Cochran, says he, the earl of Mar, came from the king to the council (which council was holden in the kirk of Lawder for the time) who was well accompanied with a band of men of war, to the number of three hundred light axes, all clad in white livery, and black bends thereon, that they might be known for Cochran the earl of Mar's men. Himself was clad in a riding pie of black velvet, with a great chain of gold about his neck, to the value of five hundred crowns; and four blowing-horns, with both the ends of gold and silk, set with precious stones. His horn was tipped with fine gold at every end, and a precious stone, called a beryl, hanging in the midst. This Cochran had his heumont borne before him, overgilt with gold; and so were all the rest of his horns; and all his pallions (pavilions or tents) were of fine canvas of silk, and the cords thereof fine twined silk; and the chains upon his pallions were double overgilt with gold.”

A.D. 1482.
and James
confined to
the castle of
Edinburgh.

The earl of Angus, with some of the chief lords, attended by a detachment of troops, then repaired to the king's tent, where they seized his other favourites, Thomas Preston, Sir William Rogers, James Hommil, William Torfisan, and Leonard, and upbraided himself, in very rude terms, with his misconduct in government, and even in private life, in not only being counselled by the above minions, but for keeping company with a lady, who was called the Daify. We know of no resistance made by James. He only interceded for the safety of a young gentleman, one John Ramsay of Balmain; and Cochran, with his other worthless favourites, were hanged over Lawder-bridge before his eyes *, while he himself was conducted, under an easy restraint, to the castle of Edinburgh, and the army was disbanded.

Though I have done justice to all that is defensible in this celebrated proceeding, yet I must be of opinion, that the well-intentioned lords were the dupes of those who were privately confederated with the duke of Albany and the earl of Douglas; and that their conduct, after punishing the favourites, deserves a very different term than that of acting in the cause of liberty. Drummond of Hawthornden has given us the form of an association entered

* The distinction between the personal and political character of a king was established by the English barons, when king John granted them the great charter of liberties.

into by the confederate lords; but though it might contain their sentiments, it is certainly not authentic; and the only apology that can be made for their disbanding their army is, that James refused to be ruled by their counsels. This, however, never can vindicate their making him a prisoner in the chief fort of his kingdom, while their enemies were upon their frontiers with an army. Upon the whole, the latter part of their conduct, as it has been represented even by anti-monarchical writers, is irreconcilable to the principles of true patriotism; but I am now to attend the operations of the field.

The English army consisted of twenty-two thousand five hundred fighting men, well armed, and provided with every thing that could render an expedition successful, that was to place an usurper on the throne of his brother, and to subject the liberties of Scotland to her most inveterate and dangerous enemies. Besides the army which, with its artillery, was ordered to rendezvous at Alnwick about the beginning of July, the English government had fitted out a fleet under the command of Robert Ratcliff, which carried the cannon which was to form the siege of Berwick anew. The first column was headed by the earl of Northumberland, the lord Scroop, Sir John Middleton, Sir John Ditchfield, and consisted of six thousand seven hundred men. The second column, which con-

The English
take pos-
session of
that city.

A.D. 1432. tained five thousand eight hundred, was commanded by the duke of Glocester in person, and under him by the lords Lovel and Greystock, and Sir Edward Woodville. The last column, which composed the rear, and consisted of three thousand men, was led by the lord Nevil; and the cavalry, who were six or seven thousand, were under the command of the lords Stanley and Fitzhugh. Such was the army that formed the siege of Berwic, about the time when the catastrophe at Lawder, and the dissolution of the Scotch army, happened. No sooner did the certainty of those two events arrive at the English camp, than the dukes of Glocester and Albany (the latter of whom seems to have had no actual command in the expedition) committed the siege of Berwic to the lord Stanley, Sir John Elrington, and Sir William Parr, with four thousand men; and marched forwards, with the rest of the army, to Edinburgh, where they arrived, without meeting any opposition.

James continued still in the castle of Edinburgh, but all orders were issued in his name, all royal honours were performed to his person, and I am inclined to believe that the noblemen, who had no farther views than the reformation of his government, were themselves convinced that the king ought to remain where he was, to keep him out of the hands of the duke of Albany and his faction, because he had no army on
foot

foot sufficient to fight them and the English. A. D. 1482. As to that duke, he affected a great tenderness for his country, and the English in their march had carefully avoided all acts of violence and rapine. Those precautions failed in procuring him a reception at Edinburgh answerable to his expectations; and the nation in general treated him with so much coldness, that he never had the courage to avow the shameful treaty he had made with Edward; so that it might still have been a secret to the public, had it not been printed by Mr. Rymer. It is, however, pretty extraordinary, that so impetuous a prince as the duke of Gloucester, should be so moderate as to keep the secret, especially when we consider the great sums spent in the expedition. Upon the whole, there is no room to doubt that Edward and his brother had been imposed upon in the representations they had received of the affairs of Scotland, and that the base conduct of the duke of Albany's confederates, after the execution at Lawder, had roused the nation into a detestation of their proceedings, and recovered their affections for their sovereign.

While the two dukes remained at Edinburgh, A treaty. we know of no attempt made upon that castle, where James still resided. From this circumstance I am inclined to believe, that the English had left their heavy artillery at Berwic, though by some authors the castle is said to have been spared

A. D. 1482. spared at the duke of Albany's entreaty, because it could not be besieged without doing great damage to the town. Other prudential considerations might interpose; for the duke of Gloucester received intelligence of a body of Scots assembling at Haddington, who might be soon in a condition to cut off his return to England. It is plain that, upon his arrival at Edinburgh, he had entirely altered his sentiments, and had resolved, if possible, to conclude a peace, if he could barely save his own, and his brother's, honour. It does not even appear that the English army entered Edinburgh; and Drummond tells us, that it remained encamped at Restalrig, while the duke of Gloucester paid a visit to the town, where the inhabitants were entirely devoted to James. Among the other Scotch nobility assembled at Haddington, were the archbishop of St. Andrew's, James bishop of Dunkeld, the lord chancellor Evandale, and the earl of Argyle, all of them true patriots, and active in the service of their country, but willing to preserve it from a foreign, as a domestic, war. They sent notice by the lord Darnley, and the elect bishop of Murray, to the duke of Gloucester, that they were willing to enter into a negociation for preserving the peace of their country, and desired to know the duke's terms. These were very moderate, and chiefly respected the pretended original grounds of the war, which were, the re-payment of the money

Ed-

Edward had advanced as the portion of the lady Cecily, and some indemnification for the depredations that had been committed on the borders. The Scotch lords endeavoured to evade the payment of the money, by offering that the marriage should be immediately celebrated. This proposal was declined by Richard, who pretended that his instructions from his brother were confined to an immediate demand of the money; but he seems to have dropped his claim of indemnification for depredations.

The demand of the duke of Albany came next under consideration, and it is certain that, by this time, James and the mediating lords knew of his designs upon the crown; but they wisely resolved upon moderate measures, tho' still with an eye to the dignity of the crown. They were sensible of the provocation the duke had received before he became an out-law; and, by making that the basis of their negotiation, on the second of August they "bound and obliged themselves to a noble and mighty prince, Alexander duke of Albany; that if the said duke did keep his true faith and allegiance to their sovereign lord, James, king of Scotland, and his succession, and made use of his authority to no other ends but such as were consistent with justice and good rule; and if he observed his faith, lawtie, and bond to them, and to the remnant lords of the realm of Scotland, as they would do to his mighty lordship, he should, upon these

Rymer.
Aber-
cromby.

A. D. 1482. these conditions, be free from all bodily harm, and they should prevail with their sovereign lord to restore him, the said duke, to all the lands, heritages, strengths, houses, and offices, which he enjoyed when he left the kingdom : as also, that their sovereign lord should give and grant to him, and to all persons engaged in his service (excepting those who had been excepted by the king's highness in his last proclamation made in parliament) a full indemnity and remission of all crimes committed by them at any time by past, but more particularly of his or their endeavours to obtain the crown of Scotland, provided always that henceforth they should behave themselves as true lieges."

Disappointment of the duke of Albany.

This agreement reflects great honour upon the lords of Scotland, who conducted the negotiation. Their restoring the duke of Albany to his estates and honours was (all circumstances considered) no more than an act of justice; and his having made no public demand of the crown was a tacit acknowledgment that he disowned his treasonable compact with Edward; not to mention, that as the lords had no authentic proof of it, they could not charge him with particulars. But the most extraordinary circumstance attending this agreement is, that the interests of the earl of Douglas and his followers were thereby sacrificed, because the lords did not think their case admitted of the same alleviations as that of the duke of Albany.

Lind-

Lindsay, I think with some probability, says, A. D. 1482. that James had a secret interview with the earl of Douglas in the castle of Edinburgh; but that the earl's demands were so high, and his behaviour so undutiful, that they parted worse friends than they met. This may, in part, account for the earl's being omitted in the treaty, as it is highly probable his demands might have clashed with the duke of Albany's views, which, as appeared from the sequel, were very ambitious.

During the above negotiation, the treaty between the duke of Gloucester and the mediating lords was at a stand; but they had agreed upon a truce, and the duke seems to have received fresh instructions from his brother in the intermediate time. He renewed the demand of the princess Margaret, sister to James, for the earl of Rivers, brother to the queen of England, which the Scots agreed to; and Edward actually sent a safe-conduct for the royal bride to repair to England, but the marriage never took effect. As the duke had dropped his claim of indemnification for depredations upon the borders, he insisted that no attempt should be made to relieve the castle of Berwic, which continued to be bravely defended by Patric Hepburn lord of Hales, the town having, before that, surrendered to the duke of Albany, who had given it to the English. Whether this demand was agreed to, we cannot be positive; but it is cer-

A. D. 1482. tain that the town capitulated on the twenty-fourth of August, it having been excepted out of the truce. The repayment of the lady Cecily's fortune came next to be settled; and we are told that " William Bartraham, provost of Edinburgh, and with him the whole fellowship (as they are called in the record) of merchants, burgeses, and community of the said town, loyally and generously obliged themselves to repay to the king of England the sums of money disbursed by him in view of the marriage between the duke of Rothsay and his daughter the lady Cecily; or if the said king did yet incline that the marriage should be completed, they undertook for the king of Scotland, their sovereign lord, that he should concur conformably to his former obligations, provided that their said sovereign lord, or the lords of his council, or they, the said provosts and merchants, were informed of the king of England's pleasure and election upon the matter, by the feast of All Saints next to come."

James relieved from his confinement.

In consequence of this agreement, Edward sent Garter king at arms to inform the government of Scotland that, for several great causes and considerations, he could not comply with the marriage of his daughter to the duke of Rothsay; upon which, the town of Edinburgh immediately paid all the money that had been advanced for her portion, the whole amounting to six thousand pounds sterling. I am inclined

clined to believe, that the unsteadiness and weakness of James, at this time, gave a new turn to his affairs; and that he resented his original confinement in the castle of Edinburgh so greatly, that he refused to pardon any one who had been accessory to that, or to the executions at Lawder. This might be the reason why his confinement was still continued, and why he chose to throw himself into his brother's arms, rather than to take those lords again into favour. The duke of Albany had made a visit to the queen and the duke of Rothsay in the castle of Stirling, where he was received with great caresses; and, at the queen's earnest desire, he undertook to deliver her husband from his confinement. According to some authors, he returned privately to Edinburgh (the English army being then on its march homeward) and assembling a body of loyal citizens, he surprised the castle, from whence he delivered the king; though others say, with more probability, that its gates were opened, upon a formal requisition made for that purpose by two heralds at arms. James, having thus regained his liberty, repaired to the abbey of Holyrood-house with his brother, who now acted as his first minister *. All the lords who were near the capital came to pay him their

* Lindsay, ridiculously enough, says, that when James left the castle, he refused to ride down to the abbey, till his brother mounted himself behind him on the same horse.

A.D. 1482. compliments; but James was so much exasperated at what had happened, that he committed sixteen of them prisoners to the castle of Edinburgh, among whom were the lords Bothwell and Hume, the lord chancellor, with the lords Gray, Drummond, Eglington, Fleming, Seton, and Maxwell. Abercromby inclines to believe, that the imprisonment of James in the castle of Edinburgh was a state-farce acted between him and those noblemen; but I can by no means be of that opinion, as James was not a prince of steadiness sufficient to carry him through his part. It is true, the lords and the archbishop of St. Andrew's were afterwards restored to his favour; but that, according to Lindsay, happened through the interposition of the duke of Albany and the earl of Angus, who had attached himself to that duke's fortune; and they prevailed upon James not to try them for high-treason.

He rewards
the loyalty
of the citizens
of
Edinburgh.

James, in gratitude, granted to the citizens of Edinburgh a patent, enlarging their privileges; and, upon his being reconciled to his brother, he resumed his design of paying a visit, with an hundred horse in his retinue, to the shrine of St. John of Ambois in France; but this journey never was performed, and the seeming smoothness of his government, at this time, was all a deceitful calm. Though the duke of Albany had been, by the spirit of the times, forced to lay aside his ambitious views,
yet

yet he had never relinquished them in earnest. A. D. 1482.
 Some historians are of opinion, that the reason why Edward had refused his daughter to the duke of Rothsay, was in order to bestow her upon the duke of Albany; and the variable disposition of James precipitated the execution of the latter's designs. The great court which was paid to the duke sunk so deep into the mind of James, that it revived all his former hatred of his brother; and the duke's enemies soon practised upon his jealousy in such a manner, that the duke perceived he was suspected, and all of a sudden withdrew from court to his strong castle of Dunbar. Had it not been for the records published by Mr. Rymer (which are so many evidences of the duke's guilt) James must have appeared in the light of a tyrant for his behaviour towards his brother upon this new breach; but nothing can be more certain, than that the duke now completed all his treasons, by nominating, while he resided at his castle of Dunbar, "his most dear cousins and counsellors, Archibald earl of Angus, and lord of Douglas and Abernethy, Andrew lord Gray, and Sir James Liddel of Halkerston, his ambassadors, commissioners, and messengers, empowering them to treat with the king of England concerning such things as had been agreed on at the castle of Fotheringay."

1483.

This commission is dated at the castle of Dunbar, on the twelfth of January 1483; and on the

Fresh treasons of the duke of Albany.

A.D. 1483. the ninth of February following, Edward appointed the earl of Northumberland, the lord Scroop, and Sir William Parr, to treat with the duke of Albany's commissioners. After a negotiation of no more than two days, the following articles were agreed to by both parties.

“ First, The most excellent prince Edward, by the grace of God king of England and France, on the one part, and the high and mighty prince Alexander, duke of Albany, on the other, were bound and obliged to uphold and assist one another against all mortals, and to cultivate a good amity, love, favour, and friendly intelligence between themselves, and the subjects, lovers, and well-wishers of either. In order to which a year's truce was concluded. Secondly, The ambassadors of the duke of Albany undertook in the name of, and for their master, that during the truce, and after, if there was occasion for it, he should by all means possible endeavour the conquest of Scotland, that being settled on that throne, he may be enabled to do great and mighty service to the king of England and his heirs against the occupiers (possessors) of the crown of France. Thirdly, That while the king of England was willing to assist the said duke in that quarrel, and towards that end, he the said duke should never lay down his arms, for any reason or offer that may be made to him by James, who now occupieth the crown of Scotland, nor by
any

any of the issue of the said James. Fourthly, A. D. 1483
The earl of Angus, lord Gray, and Sir James Liddel, obliged themselves by their faiths, honours, and knighthood, that in case the said duke of Albany should die without heirs to succeed him in the throne of Scotland, they, their friends, vassals, and dependents, should never live under the liegeance of any other prince, but the king of England; and that they should keep their castles, houses, and strengths, from James, now king of Scots, with all their powers. Fifthly, They undertook for the duke, that forty days after his obtaining the crown of Scotland, he should break and cancel all former leagues and engagements with France, and with all his power assist the king of England towards the final conquest of that kingdom to his own obedience. Sixthly, That he should restore James earl of Douglas to all his lands, castles, &c. in Scotland, conformably to an agreement made between the said earl of Douglas and Archibald earl of Angus. Seventhly, That the often-mentioned duke, being king of Scotland, and at liberty to marry, should take to wife one of the daughters of king Edward, without putting the said king Edward to any charges in view of, or concerning the marriage; that is, he was to give his daughter no portion, and yet she was to be made a queen. Lastly, The king of England was bound to assist the said duke towards conquering Scotland, and for
that

A. D. 1432. that end to fend his brother the duke of Gloucester, and his cousin the earl of Northumberland, with such succours as should be thought necessary, to the borders; to maintain at least three thousand archers in constant pay for that service; and if the occasion was inviting, to raise such a notable army, as being joined by the duke's friends, would, with God's grace, be sufficient to complete the work."

Amours of
James and
lord Crichton.

When Edward concluded this treaty, he was preparing for a war against France, and consequently against Scotland. As he was then possessed of the confidence of his people, he undoubtedly intended to have left the management of the Scotch war to the duke of Albany and his associates; but all his designs were defeated by his death, which happened on the ninth of April following. His brother, Richard the third, who was guardian to his two nephews, had formed designs which were incompatible with a war either against Scotland or France; and the duke of Albany saw once more all his mighty projects blasted. He had no refuge but in England, to which he again fled, after putting his castle of Dunbar in a posture of defence. James ordered him to be summoned to the proper judicatory, to answer for his treasons; and, upon his not appearing, his estate was a second time forfeited to the crown, as was that of the lord Crichton, who had likewise fortified his castle against James.

Bu-

Buchanan tells us of a very infamous intrigue (which is not sufficiently refuted, even by Abercromby) which was the occasion of this nobleman's rebellion and forfeiture. He says, that James had debauched the lord Crichton's beautiful wife; and that Crichton, in revenge, had debauched Margaret the king's sister, upon whom he begat a daughter, who went by the name of Crichton; and that Margaret herself was suspected of an incestuous commerce with the king her brother. None of our general historians, excepting Buchanan, have mentioned those horrid circumstances, some of which are extremely improbable, on account of the keenness which Edward and the court of England shewed for the marriage between Margaret and the earl of Rivers. Is it likely that, had she been guilty in the manner related by Buchanan, her crimes could have been concealed from the numerous Scotch partizans of England, who then swarmed about Edward's court; or that the notoriety of such shameful intrigues must not have betrayed the parties concerned? After all, it is not to be dissembled, that in those days the filiation of natural children, upon the marriage of their parents, gave rise to many indecencies, and has introduced great difficulties into the descents of families.

According to the best evidences, a formal charge was drawn up both against the duke of Albany and the lord Crichton. The former

VOL. IV. B b was

A.D. 1483. was accused of betraying the town of Berwick to the English, and several other acts of treason; and when his friends urged the full pardon that had been granted him, its legality was denied, because the king was under confinement, and not master of his own actions, when he passed it. This was a false and frivolous plea, either on the part of James or his nobility. The former had, when master of himself, re-admitted his brother into a higher share of favour than he had ever possessed, and therefore had ratified the pardon. As to the nobility, it was with a very bad grace they urged its inefficacy on account of the king's durance, because they were the very persons who had kept him in confinement. Other acts of treason were urged against the duke, particularly his having fortified his castle of Dunbar, his having left the kingdom without a passport from his brother, and his intriguing with the king of England for making war upon his country, and sacrificing the honour of its crown.

1484.
The duke
of Albany
received in
England.

Upon the duke's arrival in England, he was kindly received by Richard, who not only confirmed the pension his predecessors had settled upon the earl of Douglas, but augmented it with two hundred pounds a year; and, according to Hawthornden, the duke of Albany put his castle of Dunbar into the hands of the English. Whatever inclinations, however, Richard had to assist those two illustrious exiles, he continued,

tinued, at this time, in full employment at home; so that they found no encouragement to hope for the performance of the late Edward's promises. Richard was too sensible of the benefit he must receive by keeping Scotland embroiled, entirely to relinquish their cause. They and their friends were perpetually laying before him the great interest and connections they had in Scotland, the implacable enmity between James and his nobility, and the unsettled state of the Scotch affairs. They had actually assembled a body of foot upon the borders, and Richard, upon their earnest application, in the beginning of the year 1484, consented to lend them five hundred horse, to make an impression upon the southern parts of Scotland; but this force was not in readiness to act before the twenty-second of July; for I perceive, from Rymer's *Fœdera*, that the two exiles were, on the twenty-fifth of June, at York, where they witnessed a treaty concluded with Portugal.

The plan of their operations was equally mean and rapacious, as their object was no other than to plunder a very great fair, which was held at Lochmaben. Having left their foot at the bottom of the hill of Brumswark, their horse marched towards Lochmaben, but were discovered by two gentlemen of the name of Johnston (one of them a predecessor of the house of Anandale, and the other designed of

The earl of Douglas taken prisoner at the battle of Kirkcubright.

A. D. 1484. Cockpool) who animated the people to defend themselves against the robbers, as they were justly called. The two exiles, particularly the earl of Douglas, had great dependence upon the affection of the inhabitants of that country, where they formerly had large estates; but the two Johnstons informing them that the assailants were English, and that plunder was all their intention, they united (every Scotch borderer being then well armed) against the invaders, who were disappointed in their aim. The encounter lasted from noon till night, both parties being reinforced with fresh supplies; but the two Johnstons, who fought bravely in their own persons, at last obtained the victory. The duke of Albany, by the goodness of his horse, escaped back to England; but the earl of Douglas was made prisoner by one Robert Kirkpatrick (for which service he was rewarded by James with a grant of the lands of Kirk-Michael) who carried him in triumph to Edinburgh.

and confined
to the abbey
of Lindores.

This battle of Kirkconnel, so called from the place near which it was fought, though inconsiderable from the number of combatants, became important by this illustrious captive. He was then old and unwieldy, but had great experience in business, and a vast interest among the Scotch nobility. Having, as I have already mentioned, been bred a clergyman in the university of Paris, some writers, Abercromby in particular, have represented him as a convert

vert to the loyal principles he had there imbibed, and as a true penitent for all his crimes of rebellion; but this judgment of his character seems to have been founded only upon party prepossessions. James, in him, beheld the most formidable rebel his family had ever subdued. When the old earl appeared before him, he turned his back, as ashamed to behold the king, whose treatment of him was noble and generous; for, instead of punishing him as a traitor, he indulged him in choosing that way of life which was most suitable to his years and infirmities; and permitted him to retire to the abbey of Lindores, where the earl had received some part of his education. Some writers have insinuated, from the mildness of the king's behaviour, that he intended to have afterwards made use of that nobleman occasionally. It is certain that he had great knowledge both in civil and military affairs, and his name would have been of service to any party; but he was too far stricken in years to return to active life, and he was ever after grateful to James, as we shall relate in its proper place. Hume, the historian of his family, says, that when James pronounced his sentence, all he said was, "He that may no better be, must be a monk."

Richard was by no means pleased with the duke of Albany's ill-judged expedition, and had many reasons for compromising matters with Scotland. About this time, or very soon after

Treaty of
Notting-
ham.

A. D. 1484. after the battle of Kirkcubright, he granted letters of safe-conduct to commissioners from Scotland to treat of an accommodation between the two kingdoms. The negotiations accordingly opened at Nottingham, where the Scotch commissioners were, Colin earl of Argyle (by this time made chancellor of Scotland) William Elphinston bishop of Aberdeen, Andrew Stuart lord Evandale, Robert lord Lyle, Laurence lord Oliphant, John Drummond of Stobhall, Mr. Archibald Whitelaw, secretary of state, and Duncan de Dundas, Esq. The commissioners for Richard were, Richard bishop of St. Asaph, John duke of Norfolk, Henry earl of Northumberland, Thomas lord Stanley, and others. It was the twenty-first of December before the conferences ended; and both parties agreed to a truce, "which should begin at the rising of the sun on the twenty-ninth of the instant month of September, and last till the setting of the sun on the twenty-ninth of September 1487: that during those three years, all castles, fortresses, and towns, should remain in the hands of the present possessors, the castle of Dunbar only excepted, which if the king of Scots had a mind to recover by force, he might without breach of the truce attempt it, but not till six months should be elapsed; nor then neither, unless he gave fair warning of his resolution within six weeks to the king of England: that no out-law nor rebel of either kingdom should

should be received or entertained in the other; A.D. 1454; and that in every safe-conduct this clause should be inserted, Provided always that the obtainer of this safe-conduct be no traitor."

The powers comprehended on the part of Scotland in this truce were, the kings of France and Denmark, with the dukes of Gueldres and Brittany *. Certain days were appointed for commissioners to meet at Lochmaben, Ridenburn, Dunbar, and other places, for redressing grievances, and punishing all offences against the truce †. The most important part of this negotiation remained still to be concluded, and that was a match between the duke of Rothsay and the lady Anne de Poole, Richard's niece by his beloved sister, the duchess

* The conservators for Scotland were David earl of Crawford, and lord Lindsay; George earl of Huntley, lord Gordon and Badenoch; John lord Darnley, John lord Kennedy, Robert lord Lyle, Patric lord Hales, Laurence lord Oliphant, and William lord Borthwic; John Rofs of Hawkhead, John Lundy of Lundy, James Ogilvy of Airly, Robert Hamilton of Fingalton, William Baillie of Lamington, John Kennedy of Blairquhan, John Weems of Weems, William Ruthven of Ruthven, and Gilbert Johnston of Elphinston, knights; John Dundas of Dundas, John Rofs of Montgrenon, and Edward Crichton of Kirkpatrick, Esqs. Those for England were Scroop and others.

† The commissioners for Scotland were the earls of Angus, Huntley, and Argyle; the lords Anandale, Seton, and Oliphant; the laird of Stobhall, Sir Gilbert Johnston of Elphinston, David Scot, Robert Chartres of Amisfield, Alexander Hume, Walter Carr, George Hume of Ayton, James Rutherford laird Rutherford, Andrew Ormiston laird of Ormiston, William Knolleys, David Hepburn of Waughton, James Cockburn, the lords Kennedy, Montgomery, and Lyle, John Maxwell, steward of Anandale, Robert Crichton of Sanquhar, and others.

A. D. 1434. of Suffolk. Richard seems to have been the more eager for this match, as the prince was descended from Joan Beaufort, wife to James the first, and eldest daughter of John earl of Somerset, the eldest branch of the Somerset family, by Margaret Holland his wife ; whereas the earl of Richmond, Richard's great competitor for the crown of England, was descended only from the grand-daughter of the said John. This match was very flattering to James, who certainly would have fulfilled the terms, had it not been for the revolution that soon after happened in England ; for Richard having this year lost his own son, declared the earl of Lincoln, the lady Anne's elder brother, presumptive heir of his crown. The particular conditions of the marriage were afterwards adjusted, and the lady even took upon herself the title of duchess of Rothsay ; but laid it down upon her uncle being killed in the battle of Bosworth, which placed the earl of Richmond, afterwards Henry the seventh, upon the throne of England.

The old
treaty be-
tween
France and
Scotland
renewed.

The duke of Albany, after the battle of Kilkennel, remained hovering on the borders at the head of a flying party, with which he made several inroads into Scotland, even during the late negotiations. Neither party gained, tho' both suffered, by those outrages ; and the duke perceiving that no provision had been made for him in any of the late treaties, resolved to pass
over

A.D. 1484.

over to France, which he did by the assistance of his friend John Liddel, the son of Sir James Liddel of Halkerton, and met with a reception at court suitable to his birth; for he lived there in splendor to the time of his death, which happened accidentally by the splinters of a spear, as he was tilting with the duke of Orleans. His reception in France is a proof of the placability of his brother's temper; for I am inclined to think, that he took refuge in that kingdom with the tacit consent of James; and that if the latter had been vindictively disposed, Charles the eighth, who succeeded his father Lewis the eleventh, would not have ventured to protect him. Charles, upon his father's death, sent over (as was usual with the kings of France on their accession) ambassadors to Scotland, to renew and strengthen the league between the two kingdoms. The chief of these were Bernard Stuart, lord d'Aubigni, one of the best generals in France, and Peter Milart, doctor of the laws. Charles employed d'Aubigni on this occasion, not only on account of his great military fame all over Europe, but because (being a Scotchman, or of Scotch extraction) he had great interest with James, whose friendship was of the utmost consequence to Charles. That prince was then meditating his famous expedition into Italy, and depended, in a great measure, for his success on the assistance of the Scots. The ancient league was renewed in the

The league
with France
renewed.

A.D. 1484. month of March; and d'Aubigni returned to France, attended by a gallant train of Scotch volunteers, who afterwards eminently distinguished themselves in the wars of Italy, and many of whose posterity still exist there in the rank of nobility. James sent over to France Sir Robert Fleming of Cumbernauld, and John Ireland, professor of divinity, to receive from Charles his oath, and the ratification of the treaty, which, on the ninth of July, was sworn to at Paris, with the same ceremonies, and in the same form, which had been made use of in Scotland. The ratification on both sides confirmed all former treaties of the same kind; and, by way of addition, declared the treaty "to be perpetual, indispensable, even by the pope, and everlastingly binding upon both kings, their posterities and people; and if (which God forbid) any contention should arise about the succession to the crown of France, in that case, the king of Scotland is bound to stand neuter between the competitors, till it be determined by the prelates, nobles, and majority of the kingdom of France, to which of them the crown does belong, in the hereditary right of their blood; and when the hereditary right is determined by the said prelates and nobles, acting conformably to the laws, statutes, and inviolable custom of the kingdom, to assist and defend them, and the person in whose favour they have thus decided,

decided, against all mortals in general, and the king of England in particular." Those obligations were reciprocal on the part of France. A.D. 1484.

In the mean while, James had with great assiduity applied, by missives and otherwise, to Richard, who was still alive, for the restitution of the castle of Dunbar, which, as he very justly said, had been treacherously surrendered by his brother to the English; and entreating him not to put the subjects of Scotland to the trouble of retaking it by force, which they were preparing to do, if his request was denied. Richard, extremely unwilling to disoblige James, gave him fair promises; but the latter, finding them evasive, called his parliament together in February 1485. James assembles his parliament.

In his speech at the opening of the assembly, he candidly laid before them the state of the nation, and demanded their advice. The members approved of all he had done with regard to France; but observing that many of the great lords had neglected to appear, they left their censure to the king's highness, and advised him by all means to besiege the castle of Dunbar, as it might be done without breach of the truce. They ordered, under severe penalties, all the military tenants south of the Forth to repair to that siege by the first of May following; and all those who lived northwards of the same river to be there by the eighteenth of the same month, every man being provided with subsistence for twenty days. 1485.

A. D. 1485. The same parliament, which seems to have been composed of members well-intentioned for the public good, advised James to punish all who should be found, upon inquisition, to have been abettors of the treasonable practices of the late duke of Albany, to deter others from the "like odious crimes against his majesty," for such are the words of the act. This address was plainly levelled against the confederated lords; and perhaps, in point of policy, it was not well judged, because, as appeared afterwards, it served only to unite them the closer, and to render them the more resolute in their own defence.

Its pro-
ceedings.

As the late civil broils had revived that feudal spirit to which the bulk of the Scotch nation was still too inclinable, the same parliament advised James to call before himself and his council all the great lords who had animosities against each other, and to see them reconciled in his own presence. They advised him to order his justice-general to act in the like manner, by calling before him the inferior gentry who were at variance among themselves, and to reconcile them to each other; so that, says the record, "our sovereign lord's lieges may stand in peace among themselves, and be obedient to our sovereign lord's authority." The settling the particulars of the duke of Rothsay's marriage having been, as I have related, referred to a meeting at York, the parliament

liament not only approved of the match, but voted a subsidy for an honourable embassy, consisting of six persons, to be sent thither. It was to consist of a bishop, an earl, a lord of parliament (or what we may call a great baron) an honourable and a wise clerk (by which, I suppose, is meant a secretary) a knight, and an esquire, with fifty-two servants. The subsidy for defraying their expences was voted to be five hundred pounds Scots*; two hundred of which were to be advanced by the clergy, two hundred by the barons, and one hundred by the boroughs. Another embassy was voted to be sent to the pope, to obtain a confirmation of the league with France, and the agreement with Denmark, concerning, I suppose, the Orkney islands, and other matters. Schevez, who still continued archbishop of St. Andrew's, undertaking to perform this journey at his own expences, was highly approved of by the assembly; but they left it in the king's breast to join another with him, if he pleased, in the commission. The same parliament, in order to prevent James from abusing his prerogative, obliged him, in a manner, to promise that he would not, for two years to come, grant

* It appears, from the accurate Ruddiman's Dissertation, prefixed to Anderson's Selectus, that there was very little difference, at this time, between the Scotch and sterling silver coin; and that in the beginning of the reign of Edward the third of England, they were the same, as to the intrinsic value of each.

A.D. 1485. any pardons to notorious offenders, and to call in all Cochran's black money, which was accordingly done; and the people received, in lieu of it, good money by the hands of Thomas Todd and Alexander Levingston.

The proceedings of this parliament, were there any farther proofs wanting, confirm what I have often repeated, that the members looked upon themselves as the roots of sovereignty. We here find them exercising the *jura majestatis*, ratifying treaties, appointing ambassadors, and approving of the marriage of the apparent heir of the crown; not to mention several excellent acts they made for bringing out-laws, robbers, embezzlers of the king's revenue, and oppressors of all sorts, to public justice. The executive power, at the same time, is vested in the king, and the greatest deference paid to his person and authority; but proper precautions are taken to prevent the abuse of the prerogative in which the law indulged him.

Revolution
in England.

This parliament seems to have been sitting at the time the great revolution happened in England, by the accession of Henry the seventh to that crown; an event which was by no means unfavourable to Scotland. Henry's title was too precarious to allow him to quarrel with his neighbours; and the Scots, according to the vote of their parliament, besieged the castle of Dunbar, which was surrendered upon articles. This was so far from breaking the good
cor-

correspondence between the two kingdoms, that Henry proposed either to prolong the truce, or to conclude a perpetual peace with Scotland. It appears that, notwithstanding the proposed marriage of the duke of Rothsay, which was now at an end, and the professed friendship between James and the late Richard, the Scots did not oppose Henry's invasion of England. This may be easily accounted for, because it was forwarded by the French court; and we are told that d'Aubigni, at the head of a Scotch battalion, was highly instrumental in gaining the battle of Bosworth. To complete the good understanding between the two nations, Henry, in 1486, appointed the bishops of Worcester and Lincoln, the prior of St. John of Jerusalem, Sir John Denham, John Lovel, and Dr. Ainsworth, to treat with the Scotch commissioners, who were, William Elphinston, bishop of Aberdeen, John Ramfay of Balmain (who had been made a lord of parliament by the title of lord Bothwell) John lord Kennedy, and John Ross of Montgrenan. On the third of July, those commissioners agreed to a cessation of arms for three years; and the allies comprehended in the same for the Scots were, the kings of France, Denmark, and Spain, Maximilian king of the Romans, with the dukes of Austria and Brittany.

No king, seemingly, could be in a more defireable situation than James was at this time.

Beginning
of the trou-
bles of
James.

He

A. D. 1486. He was upon excellent terms with his parliament, and beloved by his clergy. He endeared himself to his people by the regularity of his devotions, and by his riding in public, every day, from the abbey of Holyrood-house to some of the churches of Edinburgh. To prove that this behaviour was more than an outward shew, he applied himself strictly to the administration of justice; he spent several hours every day with his council, and he punished all offenders who were within the reach of public justice. Those who were not, were numerous and powerful; and it soon appeared, that though the person of the earl of Douglas was immured in a monastery, his spirit was operating more strongly than ever. The earl of Angus was one of the wardens of the Scotch marches; and he linked himself with the Humes and Hepburns upon the borders, who were particularly disaffected to James, for a reason which I shall soon explain. When any of the faction came to court, they were attended with a military force, so that it would have been dangerous to have brought them to justice; and on all occasions they insulted the civil magistrate. Perhaps James wanted resolution to take proper measures for suppressing those insults; and perhaps the counsellors, by whom he was chiefly directed, either were secretly inclined to the malecontents, or advised him to moderate measures. All the excellent regulations

lations laid down by the late parliament being found ineffectual, and the public distractions every day encreasing, through the licentiousness of factions, James called a new parliament, which met on the first of October 1487. A.D. 1487.

In this parliament, which, to use the words of the record, "was called in favour of the king's poor lieges," James promised to give no pardon or remission, during the space of full seven years, to any who should be found guilty of treason, murder, burning, ravishing of women, robbing, thieving, or coining of false money. Notwithstanding the melancholy fate of this prince, it is certain he passed more acts for the benefit and tranquillity of his people, than ever had been enacted under any of his predecessors. The truth is, whatever his former demerits might have been as a king, he seems now to have been thoroughly reformed. In opening the parliament, he expressed his resolution of being governed by its advice; and never did any set of men labour more faithfully, than its members did, for the good of their fellow-subjects. Criminal causes were now so multiplied, and the offenders were so daring, that one justice-general was not found sufficient to keep the peace of the public; and therefore two were appointed for the south, and as many for the north of the Forth. They were to be wise and equitable personages, and to be enabled by the civil power, and what assistance

Disorders in Scotland.

A. D. 1487. the king could give them, to rescue his authority from contempt, and to hold courts thro' every part of the realm with expedition. To repress the daring insults which had been lately offered to the civil magistrates, by offenders who appeared in the courts of justice, and who rescued the criminals if the judge had the courage to condemn them, the three estates came to the following resolution: "Because (says the record) our sovereign lord has so graciously applied himself to the council of his three estates in all things concerning them, and so bountifully granted to them all the desires and requests which they have made to his majesty, they, the lords spiritual and temporal, barons, freeholders, and others, have frankly promised and sworn, that in time to come they shall not maintain, fortify, supply, defend, nor be advocates for, nor stand at the bar with traitors, thieves, &c. but shall, with all their power and knowledge, give council, help, supply, favour, and assistance, towards bringing offenders of all sorts to suffer according to their demerits." Lords of regalities, and all others, whether spiritual or temporal, possessed of jurisdiction of courts, were neither to commute for fines, nor to pass over for favour, those enormities, on pain of being punished according to former statutes."

Farther
proceedings
in parlia-
ment.

Black Acts,
fol. 75,
c. 118.

Ibid, c. 120.

An addition was also made to the former acts with regard to murderers who fled; the sheriff
or

or his deputy being ordered to search for them first at their reputed dwelling-houses; where, if they were not caught, their goods being arrested, they were by open proclamation, at the county-town of the shire, to charge them within six days to appear before them, and to find bail for their standing their trial, on pain of being denounced rebels. A. D. 1487.

It had frequently happened, that though the officers of the law (crownars as they are called in the records) had apprehended capital offenders, yet they, not being able to find bail, had escaped for want of castles where to confine them till the justice fate: the states ordained, That henceforth they should carry their prisoners to the sheriff, who was commanded to receive, guard, and bring them to the bar, the king (if the delinquents had not wherewithal to maintain themselves) allowing the sheriff three-pence per day for each prisoner. Black Acts,
c. 121.

Notwithstanding the acts formerly made, regulating the number of attendants, and the arms of those who came to courts of justice, yet in the latter times of anarchy both had been scandalously neglected: they therefore were re-confirmed, with this additional clause, That as soon as the sheriff had intelligence of any assembling of armed people, he should forthwith charge them to disperse their followers, and come to court in a pacific manner. This if they refused, the court being suspended for the

A. D. 1487.
Black Acts,
fol. 6.
c. 123.

day, and the sheriff complaining to the king the delinquents, upon conviction, were to be imprisoned for one year, and obliged to pay the damages sustained by the delay of justice.

By former statutes it had been ordained, That all causes should first be prosecuted before the ordinary judges, and not brought at the first instance before the king in council; but from this, actions properly appertaining to his majesty, and those of the churchmen, widows, orphans, minors, and foreigners, were now exempted, the same privilege was granted to plaintiffs, where the ordinary was the defendant, or where he had either partially or through ignorance passed sentence.

Ibid, c. 124.

I have been the more particular in laying before the reader the substance of those acts of parliament, not only that he may form a just idea of the licentiousness of the times, but of the grounds on which the king proceeded, and by which he was justified. Those measures being taken for the internal regulation of Scotland, her commercial interests came next under deliberation; and among other statutes, one passed, That none be permitted to sail for Flanders, Holland, and Zealand, but men of character and burgeses; and all tradesmen who commenced merchants were required to forego their former crafts. The salmon and herring fishing were next put under proper regulations; and

and the boroughs desired that an embassy should be sent to the king of the Romans, not to renew the letters of marque which he had formerly granted against the Scots, but had suspended them for a time, which was almost expired. They recommended Stephen Lockhart, Robert Mercer, or James Ballock, burgesses, to be the ambassadors, and Mr. Richard Lawton to be their clerk or secretary. In the same parliament, the burghs were permitted to send yearly representatives to Innerkeithing, there to treat upon whatever might benefit commerce, conduce to their good government and interest, and remove the injuries they might sustain. Those burghs which did not send thither their commissioners the day after the festival of St. James, were to be fined. Thus we see that the institution of the convention of the Scotch burghs, which continues to this day, took its rise in this reign. From those acts, and a variety of other evidences, it appears, that the commerce of Scotland, at this time, was in a very respectable condition all over Europe.

When the proceedings of this parliament are considered, they fully refute the aspersions thrown by Boece and Buchanan, and even by later writers, upon the memory of this unfortunate prince. Before the assembly was dissolved, they made him a compliment which afterwards proved a main instrument of his ruin. I have already mentioned that James was a great patron of archi-

A. D. 1487. architecture. Pleased with the situation of Stirling-castle, he resolved to give it all the embellishments which that art could bestow; and about this time he made it the chief place of his residence. He raised within it a hall, which at that time was deemed to be a noble structure, and a college, which he called the Chapel-Royal. This college was endowed with an archdean, who was a bishop, a sub-dean, a treasurer, a chanter and sub-chanter, with a double sett of other officers, usually belonging to such institutions *. The expences necessary for maintaining this were considerable; and the king had resolved to assign the revenues of the rich priory of Coldingham for that purpose. This priory had been generally held by one of the name of Hume; and that family, through length of time, considered it as belonging to them, and therefore strongly opposed the king's intention. The dispute seems to have lasted some years; for the former parliament had passed a vote, annexing the priory to the king's chapel-royal; and the present parliament had passed a statute, strictly prohibiting all persons,

Confederacy
of the
Scotch lords
against
James,

* "Also he made, into the chapel-royal, all kind of office-men, to wit, the bishop of Galloway, dean, and the archdean, and the treasurer and sub-dean, chanter and sub-chanter, with all kind of other offices pertaining to a college; and also doubled them, to that effect, that they should ever be ready, the one half to pass with him, wherever he pleased, that they might sing and play to him, and hold him merry; and the other half should remain at home in the said chapel, for to sing and pray for him and his successors." Lindsay.

spiritual

spiritual and temporal, to attempt any thing, directly or indirectly, contrary or prejudicial to the said union and annexation. From this statute we may conclude, that the king had met with some opposition on the part of the pope, especially as we perceive that one of the instructions of the archbishop of St. Andrew's, in his embassy to Rome, was to obtain a confirmation of the king's grant from his holiness. The Humes resented their being stripped of so gainful a revenue, the loss of which affected most of the gentlemen of that name; and they united themselves with the Hepburns, another powerful clan in that neighbourhood, under the lord Hales. An association was soon drawn up, by which both families engaged to stand by each other, and not suffer any prior to be received for Coldingham, if he was not of one of their surnames. That this association was treasonable, appears upon its face; but their opposition would not have availed, had not other noblemen, the earl of Angus particularly, been discontented with the king.

It is no bold conjecture to say, that their conduct was influenced by the example of the English, and the revolutions of government which had happened, even in their own times, in that kingdom. The lords Gray and Drummond soon joined the association, as did many other noblemen and gentlemen, who had their particular causes of discontent. Their agents
gave

A. D. 1487. gave out, that the king was grasping at arbitrary power; that he had acquired his popularity by deep hypocrisy; and that he was resolved to be signally revenged upon all who had any hand in the executions at Lawder. The earl of Angus, who was the soul of the confederacy, advised the conspirators to apply to the old earl of Douglas to head them; but that nobleman was now dead to all ambition, and, instead of encouraging the conspirators, he pathetically exhorted them to break off all their rebellious connections, and return to their duty, expressing the most sincere contrition for his own past conduct. Finding he could not prevail with them, he wrote to all the numerous friends and descendants of his family, and particularly to Douglas of Cavers, sheriff of Teviotdale, dissuading them from entering into the conspiracy; and some of his original letters to that effect are said to be still extant. That great man survived this application but a short time, for he died without issue at Lindores, on the fifteenth of April 1488; and in him ended the first branch of that noble and illustrious house. He was remarkable for being the most learned of all the Scotch nobility, and for the comeliness of his person.

who is
vindicated.

James appears to have been no stranger to the proceedings of the conspirators; but, tho' he dreaded them, he depended upon the protection of the law, as they did upon his pusillanimity;

lanimity; which was the more remarkable, as he descended from a race of heroes, being the first of his family who had been branded with that weakness; and I think his conduct, at this time, proves the charge. Instead of vigorously supporting the execution of the laws in his own person, he shut himself up in his beloved castle of Stirling, and raised a body-guard, the command of which he gave to the lord Bothwel, the master of his household, the same whom he had saved at Lawder-bridge. He likewise issued a proclamation, forbidding any person in arms to approach the court; and Bothwel had a warrant to see the same put into execution *. Though the king's proceedings in all this were

* A late reverend author, in his History of Scotland, represents this body-guard, which he calls a standing-guard, as a thing unknown under the feudal governments. The feudal government was the greatest grievance that Scotland at this time suffered; and the legislature, during this and the two late reigns, had done all they could to remove it; and several of this king's predecessors, James the first in particular, had entertained standing-guards to aid the civil government in the execution of justice. "And (continues the same reverend author) as if this precaution had not been sufficient, a proclamation was issued, forbidding any person to appear in arms within the precincts of the courts; which, at a time when no man of rank left his own house without a numerous retinue of armed followers, was, in effect, debarring the nobles from all access to the king." Had this writer consulted the acts of parliament against the military appearances of the subjects in time of peace, especially in approaching the court, he certainly would have altered his opinion. But that the proclamation complained of meant only that no subjects should approach the court in a military, menacing manner, though they might do it with their ordinary attendance and arms, appears from the numerous resort of James's faithful subjects to his person, when they perceived him to be in danger.

A.D. 1487. perfectly agreeable to law, yet they were given out by his enemies as so many indications of his aversion to the nobility, and served only to induce them to parade, armed, about the country in more numerous bodies. As to the charge brought by a reverend author, that James was at this time sunk in indolence or superstition, or attentive only to amusements; very possibly part of it may be true, because, as we have seen, he had his favourite studies, as well as a favourite minister in the person of Bothwell; but, if I mistake not, there is not a single fact alledged against him, at this time, to prove that he was guilty of injustice, violence, cruelty, or a breach of the laws. In short, the conspiracy formed against him was the most unprovoked that the history of any country can produce.

Fresh negotiation with England.

James had other dependencies than the laws of Scotland for protection. He was the master of his own seas, and the mouths of his rivers, by his navy, which was commanded by Andrew Wood. He had been so frugal in his revenues (though he is accused of profusion to his favourites) that he had amassed a large treasure. His forts were strong, well supplied and well garrisoned. He was upon a good footing with the princes of the continent; and, above all, he found his neighbour, king Henry of England, disposed to enter with him into the most intimate connections. As a proof of this, when

Henry

Henry came this year in a progress to Newcastle upon Tyne, he proposed putting the last hand to the many secret negotiations that had been entered into between him and James. He accordingly sent a herald, called Carlisle, to Edinburgh as his commissary, who met with Sawdoun, herald, who acted as commissioner for James, whose excellent wife, Margaret of Denmark, was now dead. The indenture which was signed between those commissioners fully proves the ignorance of old historians with regard to the reign of James, and that he knew how to plan a negotiation of the utmost importance with dispatch and secrecy. The indenture narrated, " That Richard bishop of Exeter, and Sir Richard Eggecomb, comptroller of the household to the king of England, being lately directed to the king of Scotland, had agreed with William bishop of Aberdeen, and John lord Bothwel, his commissioners, that for confirmation of the truce, and in order to a lasting peace, there should be a treaty of marriage set on foot between the high and mighty prince James marquis of Ormond, earl of Ross, and lord of Brechin, king James's second son, and a right noble lady, Catharine, the third daughter of Edward the fourth, late king of England, and sister to princess Elizabeth, now queen of England. As also, that for the future encrease of love and amity between the two nations, another treaty of marriage should be

A.D. 1547. set on foot between the said James king of Scots and queen Elizabeth, late wife to the said king Edward the fourth. As also, that there should be a treaty set on foot towards a third marriage between James prince of Scotland, duke of Rothsay, earl of Carric, &c. and another of the daughters of the said king Edward the fourth. That in order to these treaties, and for ending all controversies concerning the town of Berwic, which the king of Scots so much desired to be re-possessed of, there should be a congress held at Edinbrough on the twenty-fourth of January next, another in May, and, lastly, an interview between the two kings some time in July."

Hostilities
break out
in Scotland.

The match of James with Elizabeth queen-dowager of England, very probably was planned by Henry, who was by no means fond of her company; but the other connections entered into by James with Henry alarmed the conspirators, who resolved to strike the great blow before James could avail himself of an alliance that seemed to place him above all opposition, either abroad or at home. The acquisition of Berwic to the crown of Scotland, which was looked upon to be as good as concluded; the marriage of the duke of Rothsay with the daughter of the dowager, and sister to the consort, queen of England; and, above all, the strict harmony which reigned between James and the states of his kingdom, rendered the

conspi-

conspirators in a manner desperate. Besides A. D. 1482. the earl of Angus, the earls of Argyle and Lennox favoured the conspirators; for when the whole of James's convention with England is considered, and compared with after-events, nothing can be more plain, than that the success of the conspirators was owing to his English connections; and that they made use of them to affirm that Scotland was soon to become a province of England, and that James intended to govern his subjects by an English force. Those specious allegations did the conspirators great service, and inclined many, even of the moderate party, to their cause. They soon took the field, appointed their rendezvouses, and all the south of Scotland was in arms. James continued to rely upon the authority of his parliament, and summoned, in the terms of law, the insurgents to answer at the proper tribunals for their repeated breaches of the peace. The conspirators, far from paying any regard to his citations, tore them in pieces, buffeted, and otherwise mal-treated, the messengers, and, in fact, set the laws of their country at open defiance. Even north of the Forth, the heads of the houses of Gray and Drummond spread the spirit of disaffection through the populous counties of Fife and Angus; but the counties north of the Grampians continued firm in their duty. James took all the precautions that could be devised for crushing

A.D. 1487. ing the conspirators. He fortified his castles of Edinburgh and Stirling, the two strongest places in his kingdom, and stored them with every thing proper for making a long and a vigorous defence.

The duke
of Rothsay
heads the
rebels.

The duke of Rothsay was then a promising youth about fifteen years of age; and the subjecting the kingdom of Scotland to that of England being the chief, if not the only, cause urged by the rebels for their appearing in arms, they naturally threw their eyes upon that prince, as his appearance at their head would give strength and sanction to their cause; and in this they were not deceived. James, in the mean time, finding the inhabitants of the southern provinces were either engaged in the rebellion, or at best observed a cold neutrality, embarked on board one of Wood's ships, which was then lying in the Frith of Forth, and passed to the north of that river, not finding it safe to go by land to Stirling. Arriving at the castle, he gave orders that the duke of Rothsay (as foreseeing what afterwards happened) should be put into the care of one Schaw of Sauchie, whom he had made its governor, charging him not to suffer the prince, upon any account, to depart out of the fort. The rebels giving out, that James had fled to Flanders, plundered his equipages and baggages before they passed the Forth; and they there found a large sum of money, which proved to be of the utmost consequence

sequence to their affairs. They then surprised the castle of Dunbar, and plundered the houses of every man to the south of the Forth whom they suspected to be a royalist. A.D. 1487.

James was all this time making a progress, and holding courts of justice, in the North, where the great families were entirely devoted to his service, particularly the earls of Huntley, Errol, and Marshal. Every day brought him fresh alarms from the South, which left him no farther room either for delay or deliberation. The conspirators, notwithstanding the promising appearance of their affairs, found that, in a short time, their cause must languish, and their numbers dwindle, unless they were furnished with fresh pretexts, and headed by a person of the greatest authority. While they were deliberating who that person should be, the earl of Angus boldly proposed the duke of Rothsay; and an immediate application was made to Schaw, who secretly favoured their cause, and was prevailed upon, by a considerable sum of money, to put the prince into their hands, and to declare for the rebels. This transaction was so secret, that several days past before the king heard that the rebellion was headed by his eldest son. To give this infamous proceeding the better colour, the most exceptionable passages of James's past life were ripped open; and it was insinuated, that the tyrant who had murdered one of his brothers,

A. D. 1487. brothers, and doomed the other to death, would not spare his eldest son, if he should conceive a prejudice against him; and that the conspirators were only guarding him from meeting with destruction at the hands of his father.

James assembles his army.

James having ordered all the force in the North to assemble, hurried to Perth (then called St. John's Town) where he appointed the rendezvous of his army, which amounted to thirty thousand men. Among the other noblemen who attended him, was the famous lord David Lindsay of the Byres (an officer of great courage and experience, having long served in foreign countries) who headed three thousand foot, and a thousand horse, mostly raised in Fifeshire. Upon his approaching the king's person, he presented him with a horse of remarkable spirit and beauty, and informed his majesty, that he might trust his life to his agility and sure-footedness. The lord Ruthven, who was sheriff of Strathern, and ancestor (if I mistake not) to the unfortunate earls of Gowry, joined James at the head of three thousand well-armed men. The whole army being assembled, James proceeded to Stirling; but he was astonished when he was not only denied entrance into the castle, but saw the guns pointed against his person, and understood, for the first time, that his son was at the head of the rebels. Schaw pretended that the duke of Rothsay had been carried off against his will; but

He is betrayed by the governor of Stirling-castle,

but the king's answer was, "Fye, traitor, thou hast deceived me; and, if I live, I shall be revenged on thee, and thou shalt be rewarded as thou hast served." James lay that night in the town of Stirling, where he was joined by all his army; and understanding that the rebels were advancing, he formed his line of battle. The earl of Athol his uncle, who was trusted by both parties, proposed an accommodation, which was accordingly effected, if we are to believe Abercromby and other historians; but we know not the terms, for none are mentioned on either side. James is said to have failed on his part; but had there been any grounds for such a charge against him, there can be scarcely a doubt that the rebels would have published them. That a treaty was entered into is past dispute; and that the earl of Athol surrendered himself as an hostage into the hands of the rebels. It is true, that the infamous act of parliament which was afterwards passed, entitled, *The Proposition of the Debate of the Field of Striveling*, does mention "certane articlis subscribed with the said unquhilek (that is deceased) James's hand," that were exhibited by the lord Glamis; but it is extremely remarkable, that those articles are not specified, and that there is no other allegation against James, than that he brought Englishmen into Scotland, which does not appear to be fact.

A. D. 1487. . . That the most loyal of the Scotch nobility, particularly the earls of Huntley, Errol, and Marfhal, and the lord Glamis, disliked the connections of James with England, I can readily admit; and that they joined with the rebels in endeavouring to break them off, is more than probable. I have likewise reason to believe, that the above-mentioned noblemen returned homewards after the conclusion of this accommodation; but that they did not think James was guilty of any breach of faith in not performing it, is plain by their afterwards joining his cause. The memory of James is unfortunate. The historians of the times could not justify his conduct, without condemning that of his son; but I have no difficulty in pronouncing, that with all the advantages the rebels had on their side, they could not bring one specific charge against him, but had recourse to vague, general, allegations, which may be urged equally against the best, as the worst, prince. James was sensible of the advantage which public clamour gave to his enemies; and he applied to the kings of France and England, and the pope, for their interposition. His holiness named Adrian de Castello for his nuncio on that occasion; and the two kings threatened to raise troops for the service of James. He, by a fatality not uncommon to weak princes, left the strong castle of Edinburgh,

burgh, where he might have been in safety till his friends, who had dispersed themselves upon the faith of the late negociation, could be re-assembled; and crossing the Forth, he made another attempt to be admitted into the castle of Stirling, but was disappointed, and informed that the rebels were at Torwood in the neighbourhood, and ready to give him battle. He was in possession of the castle of Blackness; his admiral, Wood, commanded the Forth, and his loyal subjects in the North were upon their march to join him. Hawthornden says, that the rebels had made a shew of dismissing their troops, that they might draw James into the field; and that while he remained at Blackness, he was attended by the earls of Montrose, Glencairn, and the lords Maxwell and Ruthven. To give his northern troops time to join him, he proposed a negociation; but that was soon at an end, upon the rebels peremptorily requiring him to resign his crown to his son, that is, to themselves.

The rebels had been inured to war. They consisted chiefly of borderers, well armed and disciplined, in which they had the advantage of the king's Lowland subjects, who had not been accustomed to arms. What the numbers on both sides were, does not clearly appear; but I am inclined to believe, that James was superior in strength to the rebels. They were then at Falkirk; but they soon passed the Car-

defeated in
battle.

A.D. 1487. ron, and encamped above the bridge near Torwood, and made such dispositions as rendered a battle unavoidable, unless James would have abandoned his army, and gone on board Wood's ships; but he did not know himself, and resolved on a battle. He was encamped at a small brook, named Sauchie-Burn, near the same spot of ground where the great Bruce had defeated the English under Edward the second. The earl of Menteith, the lords Areskine, Graham, Ruthven, and Maxwell, commanded the first line of the king's army. The second was commanded by the earl of Glencairn, who was at the head of the Westland and Highland men. The earl of Crawford, with the lord Boyd and Lindsay of Byres, commanded the rear, wherein the king's main strength consisted, and where he himself appeared in person, completely armed, and mounted upon the fine horse which had been presented to him by Lindsay.

and murdered.

The first line of the royalists obliged that of the rebels to give way; but the latter being supported by the Anandale men and borderers, the first and second lines of the king's army were beat back to the third. The little courage James possessed had forsaken him at the first onset; and he had put spurs to his horse, intending to gain the banks of the Forth, and to go on board one of Wood's ships. In passing through the village of Bannockburn, a woman who was filling her pitcher at the brook, frightened

A. D. 1487.

frightened at the sight of a man in armour galloping full speed, left it behind her ; and the horse taking fright, the king was thrown to the ground, and carried, bruised and maimed, by a millar and his wife into their hovel. He immediately called for a priest to make his confession ; and the rustics demanding his name and rank, “ I was (said he incautiously) your king this morning.” The woman, overcome with astonishment, clapped her hands, and running to the door, called for a priest to confess the king. “ I am a priest (said one passing by) lead me to his majesty.” Being introduced into the hovel, he saw the king covered with a coarse cloth ; and kneeling by him, he asked James whether he thought he could recover, if properly attended by physicians ? James answering in the affirmative, the villain pulled out a dagger and stabbed him to the heart. Such is the dark account I am able to give of this prince’s unhappy end. The name of the person who murdered him is said to have been Sir Andrew Borthwic, a priest, one of the pope’s knights. Some pretend that the lord Gray, and others that Robert Stirling of Keir, was the regicide ; and even Buchanan (the tenor of whose history is a justification of his murder) is uncertain as to the name of the person who gave him the fatal blow. But we are now to return to the battle, which was fought on the eleventh of June.

I am

A. D. 1487.

I am inclined to think that the royalists lost it through the cowardice of James. Even after his flight his troops fought bravely; but they were damped on receiving the certainty of his death. The prince, young as he was, had an idea of the unnatural part he was acting; and before the battle he had given a strict charge for the safety of his father's person. Upon hearing that he had retired from the field, he sent orders that none should pursue him; but they were ineffectual, the rebels being sensible that they could have no safety but in the king's death. When that was certified, hostilities seemed to cease; nor were the royalists pursued. The number of slain on both sides is uncertain; but it must have been considerable, as the earl of Glencairn, the lords Sempil, Erskine, and Ruthven, and other gentlemen of great eminence, are mentioned. Some mention his favourite, John Ramsay lord Bothwell, as being killed at the same time; but that is a mistake*. As to the duke of Rothsay, who was now king, he appeared inconsolable when he heard of his father's death; but the rebels endeavoured to efface his grief, by the profusion of honours they paid him when he was recognized as king.

His character,

James the third was no more than thirty-five years of age at the time of his death, but he

* It may not be impertinent here to observe, that this nobleman's title and estate were forfeited in the next reign, when the rebels had the direction; and that he never was restored to the former, though he was to the latter.

was in the twenty-ninth year of his reign. That he was an unhappy, credulous prince, can no more be disputed, than that the faction who opposed and brought him to his grave was impious and bold. James had the good fortune to reign over the freest people then in the world, and in a country where the principles of civil liberty were the best understood. It was owing to the checks which the constitution of Scotland imposed upon the regal power, that he at last became an excellent prince. There was indeed little merit in his reformation, but it proved him to be adviseable; and the rebels certainly struck the daring blow against him at the very time when they had the greatest reason to have with-held it. That James was reclusive and difficult of access, is admitted by writers the most favourable to his memory; while those who are the most prepossessed against him acknowledge his encouragement of the arts, and that he filled his kingdom with noble edifices. His natural reserve is a reason why historians ought not to have pronounced so freely, as they have done, upon his character. It would be difficult to clear his memory from the imputation of superstition, to which, I am of opinion, he owed all his misfortunes; but it was the fault of the age. One of the impostors he consulted told him, that he was to be destroyed by the nearest of his kin; and if James

was

A. D. 1487. was guilty of murdering one of his brothers, and proscribing another, it was owing to that prediction.

and progeny.

Notwithstanding all the failings in his character, he supported the dignity of his crown equal to any of his predecessors. His discharging the Annual of Norway, his re-annexing the islands of Orkney and Shetland to his kingdom, the high spirit with which he behaved to Edward the fourth, Richard the third, and Henry the seventh, reflect the greatest honour on his memory. The recovery of the town of Berwic to his crown was as glorious to his reign, as the losing it was infamous to his brother and his rebels; and no king of Scotland ever appeared with greater lustre than James the third in the eyes of foreign powers. His issue was James, who succeeded him, Alexander duke of Ross, earl of Ormond, and John earl of Mar.

As to the person of James, they who saw him say that he was the handsomest prince of his age. In his temper he undoubtedly was placable, witness his behaviour to the earls of Douglas and Ross, the lords Boyd, Crichton, and others. He is said to have borne three devices. The first was a hen covering her young ones, with the motto, *Non dormit qui custodit*. The second was two rocks in the midst of a tempestuous sea; and the third, alluding to

to his son's taking arms against him, was a large growing vine-tree watered with wine, which, instead of causing it to sprout and grow, makes it fade and wither; the words, *Mea sis mihi profuit.*

JAMES THE FOURTH.

THE lords and others confederated in rebellion, upon the death of James the third, became sensible that they had gone too far. The great noblemen of the North, who had dismissed their forces upon the faith of the accommodation, were re-assembling them, and marching southwards; while the remorse and anguish of the young king was beyond description, and gave the rebels a most uncomfortable prospect. Upon the whole, the latter resolved upon moderate measures, and the rather, as they knew that the royalists could not attack them but in the person of their king, who had headed their cause. Sir Andrew Wood was lying near the field of battle with two of his ships, and had manned his long-boats to assist the murdered king, when he heard of his death. As the rebels were not all equally guilty, some of them, and even the young

James the third thought to be alive.

A.D. 1487. king himself, were kept in the dark as to that fatal catastrophe, though he certainly suspected the worst; and a general opinion prevailed, that Sir Andrew had received the king on board his ships. James, willing to have a gleam of hope, desired an interview with the admiral; but the latter refused to come on shore, unless he had sufficient hostages for his safety. The lords Seton and Fleming were accordingly sent on board the two ships, which were called the Flower and the Yellow Carnal. The report of the late king's escape was the more credited, as the boats of those ships were seen plying backwards and forwards during the battle.

Sir Andrew Wood's loyalty and examination.

The rebel army lay then at Linlithgow, from whence they marched to Leith, where Sir Andrew waited upon James. He had again and again, by messengers, assured him and the lords, that he knew nothing of James, and he had even offered to suffer his ships to be searched; yet such was the prince's anxiety, that he could not be easy till he should examine him in person. Young James had been long a stranger to his father's person, occasioned by the mean jealousy which the latter entertained of his nearest kindred; and struck with the noble appearance of Wood, or perhaps the resemblance he bore to the late king, he no sooner appeared before him and the council, than James asked him, "Sir, are you my father?" "I am not (replied Wood, bursting into tears)

your

your father, but I was your father's true servant; and, while I live, I shall be the determined enemy of his murderers." This not satisfying the lords, they demanded whether he knew where the king was. He replied, he did not; and upon their questioning him about the manœuvres of his boats on the day of battle, he told them the truth, adding, that he and his brother had determined to have assisted the king in person; but all they could do was to save as many of the royalists as they could in their ships. "I would to God (said he) my king was there safely, for I would defend and keep him skaitheless (that is harmless) from all the treasonable traitors who have cruelly murdered him: for I think to see the day to behold them hanged and drawn for their demerits." This spirited declaration, and the bold freedom with which it was delivered, struck the guilty part of the council with dismay; but the fear of sacrificing the hostages procured Wood his freedom, and he was suffered to depart to his ships, where he found his brother preparing to hang the two lords, which would have been their fate, had Sir Andrew been longer detained.

Wood had scarcely reached his ships, when the lords calling the inhabitants of Leith together, offered them large premiums, if they would fit out a force sufficient to destroy that bold pirate and his crew, as they were called.

James the
fourth
crowned.

A. D. 1487. The townsmen, who perhaps did not love the service, answered, that Wood's ships were a match for any ten ships that could be fitted out in Scotland. This opinion was delivered by the mouth of captain Barton, who, I suppose, was the famous seaman of that name afterwards killed in an engagement with the English. The council then removed to Edinburgh, where James was crowned on the twenty-fourth of June. A parliament had been previously summoned to assemble; but few attended, besides the confederated lords, and some representatives of the burghs. The royalists, such as the earls of Huntley, Errol, and Marshal, were visibly under great difficulties how to behave, between their desire of revenging the late king's death, and their loyalty to the present; for, by this time, the body of James the third had been discovered and interred at Cambuskenneth. It was, however, necessary for the conspirators to provide for their own safeties; and a new parliament was summoned to meet on the sixth of October *. In the mean time, the lords summoned the governor of Edinburgh-castle to give up his charge, which he immediately did; and it was thought that he purchased his pardon by dis-

* I have, at this period, chiefly followed Lindsay of Pitscottie, who had his information from one of the lord Lindsays of the Byres, brother or son to the lord David already mentioned; so that his narrative is very particular, and has a strong appearance of being genuine.

tributing among the confederates the treasures of the late king, which had been committed to his custody. The castle itself, and the education of the duke of Ross, brother to the king, was afterwards committed to Patric lord Hales; but Schaw was deprived of the government of Stirling-castle, which was given to Sir John Lundy, so detestable is perfidy, even in the eyes of the traitors whom it serves.

In October after the king's death, the nobility and others, who had been present at the king's coronation, converted themselves into a parliament, and passed the famous act by which they justified their rebellion against the late king, which in the law books is called The Proposition of the Debate of the Field of Stirling. It is fortunate for the memory of that prince, that this act has been preserved, as it confirms what I have said, that no special act of tyranny or oppression, and no infraction of the constitution, were produced against James, all the allegations against him being vague and unsupported. It is true, that mention is made of certain articles subscribed by the late James, and which were exhibited in this parliament by the lord Glamis. The particulars of those articles, however, are not known; and their being omitted is a strong presumption that the whole charge was indefensible. Perhaps we may go farther, and observe, from the words of the act itself, that the above-mentioned articles

A.D. 1487. ticles related intirely to the connections between James and the court of England, which were in themselves highly proper, wise, and conducive to the good of his country. I am far from denying that they might give umbrage to some of his best subjects, such as the earls of Huntley, Errol, Marshal, and other noblemen, who were jealous of the English influence in Scotland; but that amounts to no impeachment of the king's conduct. The very mention of the names of those noblemen in the body of the act, is a kind of proof how willing they were to sanctify their cause by the conduct of respectable noblemen.

After all, nothing is urged against James, but that he refused to observe the articles he had signed. Probably he did right, as he might have been surpris'd into them, or perhaps forced to sign them, by a sett of designing, wicked men. That this was the case, appears from the records of his reign, which are enrolled among the Black Acts, and are equally worthy of a patriotic king and a free people. The articles he is alledged to have signed had not the sanction of parliament, which is an absolute justification of James, even if he refused to fulfil them; and, upon the principles of a free constitution, they who extorted them from him were traitors. A king of Scotland could pass no act of power that was binding either upon himself or his people, but according

cording to the form prescribed by the laws A.D. 1487. of his country.

The members who composed this parliament, having thus justified themselves for rebelling against, and murdering their king, ordered the act to be exemplified under the great seal of Scotland, that it might be producible in their justification, if called for by the kings of France, Spain, Denmark, or any other prince upon the continent.

The confederated lords next proceeded to their great and arduous task, that of vindicating their rebellion in the eyes of the law and the public. They seem, by the force of adulation, and by extravagantly magnifying the royal prerogative, to have, at this time, calmed the king's grief, though it afterwards broke out with great violence; and he consented that the lords who had taken part with his father at the battle of Stirling should be summoned to appear before the parliament, and answer for their conduct. Their design in this was not to punish them as traitors, but, if possible; to oblige them, by forgiveness; but the public easily saw through the motives for this moderation. No fewer than twenty-eight lords, and as many great barons, were summoned to appear at Edinburgh upon the space of forty days. The first upon the list was the lord David Lindsay of the Byres; he being reckoned the most formidable delinquent, and a military favourite

The rebels
vindicate
the regicide.

A. D. 1489. favourite of the late king. The parliament met in the Talbooth (which then served as the town-house of Edinburgh) and the king was present, seated on his throne, and in his royal robes. The form of lord Lindsay's arraignment or dittay (as it is called) is curious, and as follows: "Lord David Lindsay of the Byres, answer for the cruel coming against the king at Bannockburn with his father, giving him counsel to have devoured the king's grace here present; and, to that effect, gave him a sword, and a good horse, to fortify him against his son. Your answer hereto."

Remarkable
speech and
behaviour of
the lord
Lindsay.

The lord Lindsay was remarkable for the bluntness of his conversation, and the freedom of his sentiments. He was so obnoxious to the governing party, and the young king had been impressed with so bad an opinion of him, that no lawyer was found hardy enough to undertake his defence. He therefore became his own advocate, and delivered himself in the following oration, which is justly looked upon as a finished piece of natural eloquence, and exhibiting a just picture of the speaker's noble mind; nor can its authenticity be questioned. "Ye are all Lurdanes *, my lords; I say, ye are false traitors to your prince; and that I dare prove with my body, on any of you which

* This is an opprobrious term, being a corruption of lord Danes, who were (as we have already seen) once the tyrants of Scotland.

holds

holds you best, from the king's grace down : A.D. 1487.
for the false Lurdanes and traitors have caused
the king, by your false seditions and conspi-
racy, to come against his father in plain battle,
where that noble prince was cruelly murdered
among your hands, by your advice, though ye
brought the king in presence for your behoof,
to make him the buckler of your enterprize.
Therefore, false Lurdanes, if the king punish
you not hastily for that murder, ye will mur-
der himself, when ye see time, as ye did his
father. Therefore, Sir, beware with them, and
give them no credence; for they that were
false to your father, can never be true to your-
self. Sir, I assure your grace, if your father
were living, that I would take his part, and
stand in no awe of those false Lurdanes. And
likewise, if you had a son that would be coun-
selled to come in battle against you, by evil
counsel of false Lurdanes, like those, I would
take your part against them, and fight against
them, in your just quarrel, even with three
against six of them. And those false traitors,
which cause you to believe evil in my hands, I
shall be truer at length to your grace than they
shall be."

This bold speech disconcerted the chancellor
and the confederated lords. It was in vain for
them to endeavour, as they did most earnestly,
to persuade the lord Lindsay to throw himself
upon the king's clemency; and the chancellor

A. D. 1487. (who, I apprehend, was either the earl of Argyll or bishop Elphinstone, but most probably the latter) made a handsome apology for the plainness of Lindsay's speech, and the roughness of his demeanor, hoping that the king would receive him into favour, and pressing Lindsay, at the same time, to sue for pardon. His brother, Patric Lindsay, who appears to have been a man of sense and learning, offered to be his advocate *, and made a speech for that purpose upon his knees. His request was granted; but after the jury was impannelled, he sensibly observed, that the whole of their proceedings was irregular; that it was a breach of the king's coronation oath for him to preside at a trial in which he himself was a party, and which was to be determined by a jury. He therefore boldly demanded, in the name of God, that the king should withdraw during the trial. This unforeseen challenge, upon farther consideration, was found to be both reasonable and legal; and James actually

* "But one Mr. Patric Lindsay, brother-german to the said lord David Lindsay of the Byres, hearing his brother was desired to come in the king's will, was not content therewith; to that effect, he stramped (stamped) sadly on his brother's foot, to gar him understand that he was not content with the desire which the chancellor proposed unto him. But the stramp of Mr. Patric Lindsay was so sad on his brother's foot, who had a fore toe, that the pain thereof was very dolorous: therefore he looked to him, and said, "Thou art over-pert, lown, (a corruption of the word clown), to stramp on my foot; wert thou out of the king's presence, I should take (slap) thee on the mouth." Lindsay of Pittscottie.

retired

retired to another room, with evident marks of displeasure at the affront which he thought had been offered to his majesty. Lindsay was then called upon to enter into his brother's defence, which he did in the following words : " I trow (that is, I insist) that the summons be desert and null of itself ; because he was summoned to compear to this court and parliament, upon the space of forty days, without continuation of days. No mention is made in your letter where, nor in what place ; but, generally, before the king and council at Edinburgh. And now, my lords, I believe it be one-and-forty days ; therefore the day is expired of itself, and we ought not to answer till we be new summoned, and lawfully called thereto."

The matter alledged by Lindsay being found to be true, the prisoners were dismissed upon their entering into recognizances to appear at an appointed day ; but James was so exasperated at the younger Lindsay, that he sent him prisoner for a whole twelvemonth to Rothsay-castle, in the Isle of Bute. This strain of cruelty sufficiently proves that James was still under the influence of the rebels, and that he had, as yet, received no true notions of government. In this parliament, the king was advised to make a progress round the kingdom, attended by his council and his judges ; but, in the mean time, certain noblemen and gentlemen were appointed to exercise justice, and

A parliament.

A.D. 1487. to suppress all sorts of disorders, in their own lands, and in those adjoining to them, till the king's age of twenty-one years. The persons they pitched upon were the lord Hales and Alexander Hume, for the Mers and Lothian; the earl of Angus for the shire of Roxburgh, Peebles, and Lanerk; the lord Maxwell for Dumfries; the lord Kennedy for Carric; the laird of Craigy-Wallace for Kyle; the lord Montgomery for Cunningham; the lord of Lennox, the lord Lyle, and Matthew Stuart, for Renfrew, the Monkland, and Bothwel; James of Edmonstoun for Stirlingshire; the master of Argyle for Argyle and Lorn; the earl of Athol, and Alexander Robertson of Strowan, for Athol; the lord Drummond for Strathern and Dumblain; the lord Oliphant for Strawbawn; the lord Gray, the lord Glamis, and master of Crawford, for Angus; the earl-marshal for the Merns; the earl of Huntley, the earl of Errol, and the laird of Innerugy, for the Month, North, and Inverness; and the lord Lindsay for Fife. Those lords were obliged to swear, that they would not only with diligence search for, and either bring to justice themselves, or send to the king's courts, all thieves and disorderly persons, but would cause all inferior barons within their several districts swear to do the same.

Proceedings
of the regicides.

The regicides, by those shews of justice, sought to cloak their crimes; but they continued

nued to load the memory of the late unfortunate king by the most infamous acts. All justices, sheriffs, and stewards, who were possessed of heritable offices, but had appeared in arms for the king's father, were either deprived of them for three years, or rendered incapable to enjoy them for ever after. All the young nobility, who had been disinherited by their fathers for taking arms against the late king, were, by act of parliament, restored to their several successions in the most ample manner. At last, to give a kind of proof to the world that they intended only to re-settle the state of the nation, without prejudice to the lower ranks of subjects, who did no more than follow the example of their superiors, it was enacted, "That all goods and effects taken from burgessees, merchants, and those who had only personal estates (or, as they are called, unlanded men) since the battle of Stirling, were not only to be restored, but the owners were to be indemnified for their losses, and their persons, if in custody, were to be set at liberty. Churchmen who were taken in arms were to be delivered over to their ordinances, to be dealt with by them according to law." Excellent acts were made against barratry, and the old ones confirmed, as were the liberties of the church. The castle of Dunbar having been a perpetual bone of contention, was ordered to be demolished; and some statutes were enacted in fa-

A. D. 1433. YOUR of commerce, for the exclusion of foreigners, by way of recompence to the burghs, who had been very active in opposing the late king.

Foreign negotiations.

This parliament, before it rose, thought it necessary to give some public testimony of their disapproving the late king's connections with England, especially with regard to the marriage of James. The destruction of the house of York, the accession of Henry the seventh, and the extinction of the first line of the Crawford family, had entirely changed the system of rebellion in Scotland, as it could no longer promise itself its usual support from England. On the contrary, when the maxims of Henry's government were examined, there was the greatest reason to suppose that he would vigorously support the royal house of Scotland. It was therefore enacted, "That as the king was now of an age to marry with a noble princess, born and descended of a noble and worshipful house (such are the words of the act) that an honourable embassy be sent to the realms of France, Brittany, Spain, and other places, to be nominated to advise, treat, and conclude, in the same matter." It was intended that this embassy should be very splendid. It was to consist of a bishop, an earl, or lord of parliament, a secretary, who was generally a clergyman, and a knight. Their attendants were to be fifty horsemen, and they were to be allowed five

five thousand pounds for the discharge of their embassy; two thousand to be raised by the clergy, two thousand by the barons, and one thousand by the burghs. The same ambassadors were impowered to renew the ancient league between France and Scotland; and, in the mean time, a herald, or, as he is called, a trusty squire, was sent abroad to reconnoitre the several courts of Europe for a fit match for the king.

A strong objection lay in the way of this embassy. The pope had been applied to, and had laid all who appeared in arms against the late king under an interdict; and all the powers of Europe considered the governing party in Scotland as a sett of rebels and regicides. This was an insurmountable obstacle to any negotiation abroad; and it was necessary to remove the interdict. Some of the most moderate of the nobility, who had wished to reform the state, but without rebelling against the king (by whom, I suppose, are meant the earls of Errol, Marshal, and the northern lords) had raised troops, that they might enter into a kind of armed mediation between both parties; and they entertained great doubts whether they were not comprehended in the censure. They laid their case before pope Innocent the eighth; and pretending the most unfeigned repentance, he at last was prevailed upon entirely to take off the interdict, as those who were really guilty had

The interdict taken off.

A. D. 1489. had the same plea with the others not intentionally so. A bull accordingly was issued, directed to the abbots of Paisley and Jedburgh, to take off the interdict; and is dated in July 1491, before which time the embassy could not take place. Mean time, many of the most respectable noblemen considered their king as being little better than a prisoner in the hands of his father's murderers, or, at least, made that a pretext for taking arms. Of those, the lord Lenox was the most forward, and had raised two thousand men, with whom he marched to Stirling, with an intention to surprise the town and castle; but finding the pass of Stirling-bridge guarded, he encamped at a place called Fillymoss. He had in his army one Mackealp, who was a spy to the other party, and privately advertised the lord Drummond that the earl, not thinking his march was known, lay carelessly encamped, and might be easily surprised. Lord Drummond accordingly marched, at the head of a party of soldiers, with such expedition, that he not only defeated the earl of Lenox and his men, but, pursuing his blow, he took the strong castle of Dumbarton, of which the earl was keeper, notwithstanding all that the lord Lyle, and a gentleman of the earl's family, could do to defend it.

The public
tranquillity
restored.

The growing qualities of the young king, his penetration, and the excellent disposition which daily unfolded itself in his conduct and
be-

behaviour, at last reconciled many of the strictest royalists in the South to his government, for fear of incurring the crime of rebellion. In the North, the earls of Huntley and Marshal, with the lord Forbes, the head of a powerful family there, complained that they had been deceived, and declared their resolutions to revenge the king's death. It is probable that they were in concert with the earl of Lenox, and that his defeat had rendered the two northern earls cautious. That was not the case with the lord Forbes, who having obtained the bloody shirt of the murdered king, displayed it on the point of a lance, as a banner under which all loyal subjects should range themselves. Having assembled a considerable body, he marched to Aberdeen, and through the principal towns north of the Grampian hills, where he seems to have met with no opposition; but he found himself in no condition to march southwards, especially after the defeat of the earl of Lenox; and consequently his expedition was at an end, though it certainly answered his purposes in some measure.

The great reputation which Wood had acquired in Scotland, was of infinite service to the government. He was, perhaps, the best seaman of that age, and one of the best subjects. After he had regained his ships, Henry the seventh of England, who had heard with horror of the king's murder, offered to lend

The English
defeated by
sea.

A.D. 1489. him five ships to revenge it. Wood, without hesitation, accepted of the proposal; and the ships accordingly arrived in the Forth. Their crews being under very bad discipline, instead of obeying Wood, landed on both sides of the river, plundered the Scotch merchantmen, and ravaged the coasts. Wood interposed his authority, but in vain; and finding their practices every day more and more outrageous, he at last separated his little squadron from theirs, but without venturing to attack them. The government hearing of this noble behaviour, advised James to send for Wood, and to offer him a pardon and a commission to act against the free-booters. We are in the dark as to the instructions which had been given by Henry; but it is certain that Wood came ashore, appeared before the council, accepted of his pardon and commission, and undertook the service. James and his council desired him to call for what artillery or assistance of shipping he pleased, but Wood refused to employ any other than his two favourite ships; and being well provided with ammunition and artillery, he fell in with the English squadron at the mouth of the Forth, off the castle of Dunbar; and, after a desperate engagement, he made prizes of all the five ships, and brought their crews prisoners to Leith, for which he was nobly rewarded by James.

This

This gallant action, and the acquiescence of Wood in the new government, raised his reputation both at home and abroad; but Henry resented the disrespect that had been shewn by Wood to his squadron, and resolved to be revenged. It appears, that Wood's ships were fitted out for commerce as well as war; and that after the defeat of the English squadron, he had sailed upon a trading voyage to the coast of Flanders. Henry, intending that he should be intercepted in his return, employed Sir Stephen Bull, the bravest sea-officer he had, for that service, and gave him three of the best ships in his fleet, every way well equipped and artillieried, to perform it. If we are to believe some of the Scotch historians (and the fact is by no means unlikely) Henry even set a reward of one thousand pounds upon Wood's head, as if he had been a pirate. Be that as it may, Bull sailed for the Forth, and stationing his ships at the back of the isle of May, he sent his armed boats up the Forth, where they took and destroyed all the Scots fishing-vessels; but detaining some of the most expert of their crews in his own ships, he promised them a premium if they would keep a look-out, and, as they were best acquainted with the shape of Wood's ships, inform him when they appeared. They were, early on a summer morning, discovered under sail off St. Ebb's head, advancing briskly, without any knowledge or fear of an enemy.

A.D. 1489. The English ships were taller and larger than those of the Scots, carried a much heavier weight of metal, and drew more water. Bull, being secure (as he thought) of his prey, came down, and fired two guns upon Wood's ships, as a signal for their surrendering. The Scotch commander no sooner perceived them, than he knew them to be enemies. He made an encouraging speech to his crews, who declared that they would stand by him to the last; and the engagement began in sight of numberless spectators, who lined both sides of the river. It lasted all that day, and when night came on both sides lay off. Next morning the fight was renewed with more fury than ever; but an ebb tide and a south wind bore both squadrons towards the mouth of the Tay, where the English ships fought under great disadvantage on account of the sand-banks; and before they could get clear of them, the Scots redoubling their efforts, carried all the three English ships prizes to Dundee, with their commander, Bull.

Generosity
of James.

Nothing could have fallen out more fortunately for the government of Scotland, than this fresh victory by sea. Wood treated his prisoners with the greatest humanity; and allowing such of them as were wounded a sufficient time for their cures, he carried Bull and his mariners to Edinburgh, where he presented them to James. That prince, by this time, severely

severely felt the stings of remorse for the part he had acted against his father; and after generously making presents in money to Stephen, his officers, and crews, he dismissed them without any ransom, with a letter to Henry, who returned him a polite answer, and shewed himself ready to treat of an accommodation. A negociation was accordingly entered into, and a truce was concluded. Here we are to observe, that the ministers of James had impressed him so early with an high opinion of the power, friendship, and magnanimity of the French, that he retained those prepossessions to the very last hour of his life, when they proved fatal to his crown and person. Notwithstanding this, he thought he could not decently refuse the friendship of Henry; and the good understanding which was restored between the two kingdoms, was of infinite service to the tranquillity of Scotland.

A. D. 1489.

1490.

The moderate use which James and his ministers made of their victories, continued to bring over many profelytes to the government. They openly declared, that they intended neither to prosecute nor punish any who were not maliciously in arms; and even at the battle of Fillymoss none were killed but in the heat of the action, the rest being suffered to depart quietly home. In short, the harmony and good order which then prevailed in Scotland, gave the inhabitants all the appearances of

Moderation
of his go-
vernment.

A.D. 1490. of a happy people; and Henry, who had then great differences with France, did all he could to cultivate the good understanding between the two crowns, as he found it necessary to prevent closer connections between France and Scotland.

Matters were in this desirable situation, when a new parliament met at Edinburgh on the fifteenth of February 1490. The members of this assembly applied themselves entirely to healing measures. They passed several acts for abolishing those animosities which had so long and so fatally divided the nation. As they were encouraged to hope, that the national interdict would be taken off, they provided for the privileges and liberties of the church, and voted that the six thousand pounds for the embassy should be immediately raised, without the king discharging any part of it. The instructions to be given to the ambassadors were referred to the chancellor and the privy-council, but with this remarkable caution: "That they would by all means take care to remove all strangeness and displeasure conceived by any prince for any cause by past." A lord, a knight, and a secretary, were appointed to sail in March following, with an allowance of an hundred pounds, for Denmark, to renew the alliance with that court. Crawford duke of Montrose, the earl of Huntley, the chancellor, the bishops of Glasgow and Aberdeen, the master of the household

Black Acts.

household, the privy-seal, the abbot of Holyrood-house, the lord Lyle, the lord Glamis, Gray, and Drummond, the prior of Coldingham, the treasurer, William lord of St. John, Mess. Richard Robeson and Lawson, Sir Alexander Scot, and the archdean of St. Andrew's, were appointed to be auditors to inspect the accounts of the treasurer and other officers, concerning the management of the crown-rents in the late and present reigns. Those appear from the record, which is printed in the Black Acts, to have been very considerable, and sufficient for supporting the splendor of the then greatest court in Europe; for there was scarcely a county in the kingdom where the king had not a large estate in property as well as in superiority. As this large revenue had chiefly arisen from the acts of resumption and forfeitures that had fallen to the crown since the restoration of James the first, and the œconomy that had been observed in the late reign, it had undoubtedly contributed to the misfortunes of James the third, as the great nobility thought that no cause whatsoever could justify any alienation of their fiefs; and that every accession of revenue to the crown was a diminution of their importance.

The same parliament appointed commissioners for collecting and ascertaining the royal revenue. The earl of Bothwell, formerly lord Hales and steward of the household, had the collection

Proceedings
of parliament.

A.D. 1490. tion of all the revenues in the sheriffdoms of Edinburgh, East-Lothian, Kircudbright, and Wigton. Alexander earl of Hume, great chamberlain, had charge of those of the earldom of March, the lordship of Dunbar, Stirlingshire, and other places lying in the neighbourhood of his estates. Archibald Edmondston collected the rents of Menteith, as the lord privy-seal did those of Fife, and the lord Drummond those of Strathern. The collection for Methven and Perthshire was allotted to the lord Oliphant, that of Forfar and Brechin to the lord Gray, and the collection of the rest of the royal revenues (the particulars of which are too tedious to be inserted here) were committed to the care of the treasurer, Alexander Boyd, Alexander Dunlop, Sir Andrew Wood, John Lesley, Patric Forbes, Sir Alexander Gordon the master of Huntley, James Douglas the earl of Huntley, the lords Montgomery, Kennedy, Sinclair, Darnley, the chancellor, and the sheriff of Air. I have been the more particular on this matter, that the reader may form some judgment of the ruling parties in Scotland at this period, as well as of the large estate belonging to the crown. Out of it a proper provision was allotted for the king's two brothers, the management of which was entrusted with the same collectors.

A coalition
of parties
effected.

The reader may perceive, from the list of the noble and other personages I have mentioned,
that

that the chief management of affairs continued to be still in the hands of those who had opposed, or been in arms against, the late king; but it was now thought proper to enlarge the bottom of government, and to form a coalition of parties. Though the ministers had hitherto screened themselves behind the young king's authority, and had been profuse of their flatteries to his person, yet they left him no more than the shadow of power, at least, till he should come to the age of twenty-one. Though there seems to have been no difference about this in parliament, yet they proceeded in the tenderest and most humble manner with regard to James. After making out a list of privy-counsellors, who they resolved should direct him, they obtained a previous promise from him that he would be guided by them till the meeting of the next parliament; a condescension for which they affected to make the most grateful returns. The privy-council consisted of the lord-chancellor Argyle, the earl of Bothwell, the earl of Hume, the privy-seal, the secretary of state, the clerk of the register, the bishops of Glasgow and Aberdeen, the prior of Coldingham, and the archdeacon of St. Andrew's; all these seem to have claimed a precedence as great officers of state. The other counsellors were, Crawford duke of Montrose, the lords Lyle, Gray, Glamis: to these were added (if they pleased to accept of the honour) the earls

A.D. 1490. of Huntley, Lenox, Errol, and Marshal, the lords Oliphant and Borthwic, Patric Hume of Fastcastle, Ogilvie of Boyn, John de Rofs, and Richard Lawfon, who all accepted of the charge.

Oath imposed upon the counsellors.

They were sworn in open parliament to give "an a-fald counsel (by which expression is meant counsel that is one-fold, sincere, and without duplicity) to the king in all matters of state and revenue;" and they were, at the same time, rendered responsible in parliament for their conduct; a provision that shews how well they understood the true principles of a free government, and which, ever since the reign of Richard the second, had lain dormant in England. The king, on the other hand, promised not to dispose of any part of his money, jewels, or plate, and to do no public acts but what were subscribed by six privy-counsellors (the chancellor being of the number) otherwise they were to be of no force. This parliament next reformed the state of the coinage, and fixed the standards of bullion; and the free tenants holding of the prince, duke of Rothsay, and steward of Scotland, were allowed to repair to parliament in justice-courts, with their suits and presences, till the king should have a son to represent them. From this last provision it appears, that the dukes of Rothsay had an independent hereditary estate; and Sir James Balfour, in his Manuscript Annals, says, that the ap-

appointments of the two young princes, the duke of Rofs and the earl of Mar, had been settled by the late king. Many other excellent regulations, which do not properly belong to general history, were made in the same parliament; and an act passed, indemnifying the lord Lyle and Matthew Stuart for defending Dumbarton-castle against the lord Drummond. A. D. 1490.

The flourishing state of the Scotch affairs, and the indifference which the government continued to observe with regard to England, alarmed Henry the seventh. The earl of Buchan, Ramsay, who had been arbitrarily deprived of his lordship of Bothwel, and Sir Thomas Tod of Serefschaw, having been excluded from the general pardon, were received by Henry, to whom they, probably, represented that their king was a prisoner in the hands of his father's murderers, and that he was extremely desirous of the protection of England. Though Henry was a cautious, covetous prince, yet their allegations were so plausible, that he gave them ear; and on the sixteenth of April 1491, the three exiles entered into an indenture at Greenwich in their own names, and those of many others, for delivering into Henry's hands the person of James, and his brother the duke of Rofs, or, at least, the said king of Scots. In consideration of this service, Henry advanced to the exiles three hundred and fifty-six pounds four shillings sterling, to be repaid to him by Negotiations with England.

1491.

A.D. 1491. the lord Bothwel and Sir Thomas Tod, if they did not make good their engagement by the twenty-ninth of September following. What encouragement they had from James for concluding this treasonable bargain is uncertain; but there is, on the face of the transaction, room for suspecting that the whole was no other than a design upon Henry's purse, that they might raise a little money for their present subsistence, as the conspirators could be in no danger from their failure of performing their agreement, if they could repay the money in time; and we are told, that though the Scotch parliament had deprived Ramsay of his noble title, yet he still enjoyed his estate, which was very considerable.

Penance
imposed by
James upon
himself.

James now grew towards the age of maturity, and, like his father, he chiefly resided at Stirling. On a presumption that the interdict only affected those who were in arms against the late king, the divine service, as usual, was regularly performed in the royal chapel, where James every day heard his own welfare prayed for, and the murder of his royal father most bitterly lamented. This sunk into his spirits, and he consulted the dean of the chapter about the means of atoning for his crime. The dean, who knew the power and influence of the ministry, was shy of giving him any counsel, and advised him only, in general, to repentance. We are told likewise, that he distrusted the firmness and

and constancy of James. Whatever may be in this, it is certain that, about this time, the bull of absolution arrived from the pope, and that James secretly begirt his body with an iron chain, to which he proposed to add a link for every two or three years of his life. A. D. 1494.

The pope's absolution completed the happiness of Scotland; and on the eighteenth of May a parliament met at Edinburgh. While it was sitting, one of the papal prothonotaries, Andrew Forman, under Alexander the sixth, presented James with a consolatory bull, the substance of which has been given by Drummond, tending to alleviate the anguish of James's mind for his father's death, and throwing all the guilt upon the nobles, who had seduced his tender age from the paths of his duty; and exhorting him, at the same time, to persevere in honour, virtue, and piety. This pope, notwithstanding the horrid crimes which filled his infamous life, acted a most friendly part, at this time, both towards James and his subjects; and addressed another letter to the nobility of Scotland, exhorting them to obedience, and containing, according to Drummond, the following excellent admonitions: "Ambition was the cause of sedition, which had no limits, and which was the bane and wreck of state and kingdoms, of which they should beware; kingdoms subsisting upon the reputation of a prince, and that respect his sub-

Letters of
the pope.

A.D. 1491. ing the course of law; and regulations were appointed for applying the revenues of corporations to their proper uses.

Military
institutions.

The inclinations of a sovereign naturally have their influence on the manners of his subjects. Those of James were for military exercises, and magnificent exhibitions. He had early accustomed himself to the use of arms, and he earnestly desired to see all his subjects foldiers. For that purpose, the sheriffs were impowered to muster, four times a year, the inhabitants of their respective districts, the aldermen and bailiffs doing the same within their burghs, as they should answer to the chamberlain or his deputy. Every gentleman, with ten pounds or more of yearly revenue, was to be armed with basnet, sellet, white hat, gorge or pissane, complete armour for the legs, sword, spear, and dagger. Inferior ranks of subjects were to be armed as the king's commissary or the sheriff should appoint; but the meanest inhabitant was to be provided with a bow and arrows, or a good ax. Those regulations were productive of a surprising reformation of manners. Justice had its course; robbery and violence of all kinds were suppressed throughout the kingdom; and the splendor of the king's court, with the polite entertainment he gave to all adventurers in feats of arms, drew great numbers of foreigners of the first quality to Scotland.

In

In the year 1492, another treaty was set on foot for prolonging the truce with England. The Scotch commissioners were, William bishop of Aberdeen, William lord St. John, lord high-treasurer, Mr. Alexander Inglis, archdean of St. Andrew's, John Hume of Erliston, Patric Hume of Fastcastle, Walter Ker of Cesford, and Mr. Richard Lawson, clerk. Those for England were, Richard bishop of St. Asaph, Sir John Graystoc, the dean of York, and others. Their meeting was at Coldstream; and the truce between the two nations was prolonged from the twenty-first of December to the twenty-first of the same month 1496; the allies comprehended on the part of king James being Charles king of France, John king of Denmark, the kings of Spain and Naples, and the dukes of Austria and Milan; and those of king Henry, the emperor, the king of the Romans, the kings of Spain, Portugal, and Naples, the dukes of Austria, Burgundy, Ferrara, and Savoy. It is remarkable, that certain noblemen of both kingdoms put their seals to the ratification of the two treaties. Those on the part of Scotland were the bishops of Aberdeen, Dunkeld, and Galloway; Colin earl of Argyle, lord-chancellor; Patric Hepburn earl of Bothwell, with the lords Lyle, Oliphant, and Drummond. Whatever precautions the two courts might take for the public tranquillity, the borderers, who lived by rapine, and whose state was inac-

A.D. 1492. cessible to civil regulations, committed many outrages; and those on the side of England being found the most untractable, Henry, on the twenty-second of August, appointed new commissioners for repairing all the breaches of the peace that had happened, and for preventing the like for the future. James, who was not very fond of English connections, and, fatally for himself, was entirely attached to those with France, delayed nominating any commissioners to treat with those of England till October following; but we know of no meeting they held till next year.

1493.
A marriage
proposed to
James.

In 1493, Henry, observing the growing prosperity of Scotland, the harmony that subsisted between the king and his subjects, and the respect in which James was held by all the courts of Europe, proposed a marriage between him and the most serene princess Catharine his cousin, the daughter of Eleonora countess of Wiltshire, who was the daughter of Edmund late duke of Somerset, his uncle. It is probable that James thought the match below his dignity. He appointed, as his commissioners, William bishop of Aberdeen, keeper of the privy-seal, Sir John Ross of Montgrenan, Mr. John Fressel (Frazer) dean of the king's chapel of Restalrig, and clerk-register, and Richard Lawfon, clerk to the court of justiciary, to prolong the truce, and to compromise all the breaches of it; but gave them no instructions

as

as to his marriage. The king of England named the bishop of St. Asaph, Sir William Tyler, and others, as his commissioners; and both parties met at Edinburgh on the twenty-fourth of June. The Scotch commissioners complained loudly of the infraction of the truce by the English; and Henry paid a thousand marks sterling in gold, before the last day of the following May, by way of indemnification for the losses of James and his subjects. As to the proposal of marriage, it was treated by the Scots with great contempt, as appeared in a few days after.

The parliament met on the first of May. Notwithstanding the seeming good correspondence between James and his ministers, he undoubtedly had about him counsellors who knew how to puzzle the execution of their deliberations; for, even at this time, I cannot perceive that the ambassadors for his marriage had taken their departure from Scotland. As he was now of an age to entitle him to determine for himself, they left to him the nomination of the ambassadors, and added a thousand pounds to the six thousand already voted for defraying their expences, with another thousand "for the honourable home-bringing of a queen." Sir Stephen Lockhart and Thomas Stuart, with some others, were appointed to receive this money; and it was re-enacted by parliament, that the king himself should discharge no part

The parliament meets.

A. D. 1493. of it, that is, that he should appropriate no part of it to his own use, or that of a favourite; nor could his receipt be admitted as a discharge for any part of it. This is a fresh proof that the Scotch parliament, like the English, thought they had a right to dispose of the money they voted for public service as they pleased. Another observation, greatly to their honour, arises out of this measure, as it is a proof of their considering the grandeur of the king in the same light with that of the kingdom, by putting it out of the power even of James himself to diminish any part of the national splendor in the eyes of foreigners.

Its proceed-
ings.

The same parliament resumed the patriotic design of turning the national fisheries into a public benefit; for it was enacted, "That all maritime towns should build busses or vessels of at least twenty tons burthen, to be employed in fishing; and that all idle persons should be pressed into that service." The noble spirit which this parliament shewed against the encroachments of the Roman see deserves to be particularly distinguished in history. That court, ever watchful over its own interests, had found means, while the late interdict lasted, to bring before its tribunal a number not only of ecclesiastical, but civil, causes; by which the nation was drained of its money, and the authority of government undermined. Robert Blackader, who had been translated from the see of

Spotswood.

Aberdeen

Aberdeen to that of Glasgow, had great differences with Schevez archbishop of St. Andrew's, concerning their jurisdictions; and Blackader had interest enough at the court of Rome to obtain a bull erecting his see of Glasgow into an archbishopric. Perhaps no nation in Europe but the Scots would, at that time, have disputed the power of his holiness in ecclesiastical matters; but this parliament laid down as a maxim, that the privileges of the church, as well as the statutes of the realm, had been created for the benefit of the community; and that they could not be renounced without consent of the king, the three estates, and the respective chapters. This manly principle was followed by as vigorous resolutions. All ecclesiastical encroachments, since the reign of James the first, relating to the disposal of elective benefices, were annulled; and the archbishops of St. Andrew's and Glasgow were to confirm the election of all abbacies within their respective dioceses, without applying to the court of Rome. As many differences between the two archbishoprics still lay undecided by his holiness, who found the great benefit of procrastinations, the parliament empowered the king to seize the temporalities of both parties, if they did not retract their pleas at Rome, and submit to an equitable decision in Scotland. The same parliament went farther; for it was recommended to the king to extend this

A.D. 1493.

Black Act.

A. D. 1493. this inhibition to all cases that had been carried from Scotland before the pope, and his ambassadors were to order all parties home, that their causes might be decided by their ordinaries, or by such judges as the king, in council, should appoint. The fees payable to the see of Rome were reduced to the ancient rates; and a vote passed that none should be received into Scotland with legantine powers, but cardinals and natives of the kingdom.

Many other excellent regulations, which do not fall within the province of general history, were made by the same parliament, especially those relating to the internal trade of the kingdom, and the preservation of the game. The king, being now twenty-one years of age, took entire possession of the reins of government; but previous to this, an act of resumption passed, by which all grants to the prejudice of the crown, that had been made in his minority, were annulled, excepting those bestowed on the earl of Bothwell and Sir John Ross. Those granted by his father, from the second of September 1487, were annulled likewise, as being derogatory to the memory of the late king. Those were remarkable acts, and prove that the regicides of James the third had still the governing influence in parliament; though it must be owned that they had exercised it to excellent purposes. By the common law of Scotland, the king might have annulled all that
had

had been done to his prejudice during his minority; but this act put it out of his power to rehabilitate the persons who had been rewarded or distinguished by his father after the above-mentioned period, or to deprive the two favourites of the faction of their rewards. James, however, did not think himself bound not to employ the friends of his father in subsequent offices of trust and profit.

The perpetual broils between Henry the seventh and the court of France, and the inability of the emperor Maximilian, Henry's chief ally, to perform his engagements, induced that prince to think of binding Scotland to England by the nearest ties. Towards the end of this year, he appointed Thomas lord Dacre, Sir Richard Salky, and Sir John Musgrave, as his plenipotentiaries, to meet with those of Scotland, to settle some inconsiderable border-differences. This commission was probably intended as an introduction to more serious negotiations; for in the beginning of the year 1494, he appointed Richard bishop of Durham, lord privy-seal; Thomas lord Dacre, deputy of prince Henry duke of York, and warden of the west marches; Sir William Tyler, captain of the town and castle of Berwic; with Christopher Morely and John Cartyngton, to repair to Coldstream by the fifteenth of June. Their business was either to prolong the truce, or to conclude a treaty for a perpetual peace. The commissioners for

James

Foreign
affairs.

1494

A.D. 1494. James were, Robert Blackader, archbishop of Glasgow, the bishop of Dunkeld, the earl of Morton, the prior of St. John of Jerusalem in Scotland, the lords Lyle and Maxwell, the archdeacon of St. Andrew's, secretary and clerk of the register, John Ogilvy baron of Fingask, Walter Ker of Cesford, Patric Hume of Fastcastle, and Mr. Richard Lawfon. We know of nothing important being done by those commissioners; and the rest of the year passed with profound tranquillity in Scotland (where the court was more brilliant than any in Europe) and in fruitless negotiations upon the borders. This indecisive state of affairs between the two nations put Henry upon his guard, especially as some foreign partizans of his famous rival, Perkin Warbeck (whom I shall hereafter have occasion often to mention) were now appearing in Scotland, and had prevailed with the borderers to threaten an invasion of England.

1495.
Marriage.
treaty with
England.

On the twenty-second of March 1495, the earl of Surry, vice-warden of the west and middle marches of England, was commanded to muster all the fencible men and horsemen from the Trent to the Tweed. The duke of York, afterwards Henry the eighth, was appointed warden-general; and the bishop of Durham, Sir William Tyler, John Heyron of Ford, John Cartyngton, and a gentleman of the name of Ratcliff, were appointed to be the duke's deputies during his nonage. They had orders not
only

only to watch over the safety of the borders, A.D. 1495. and particularly of Berwic, but to train and exercise the inhabitants of Northumberland in the same manner as had been practised by Sir Henry Percy, warden of the marches. They were likewise impowered to redress grievances, and, if the Scots were so inclined, to prolong the peace. By this time, Henry had fixed his eyes upon James as his son-in-law; nor, indeed, could he have made a better choice. Authors have, in a manner, been unanimous in telling us, that he preferred James as a match for his eldest daughter, and gave his second to the French king, because, in case of a deficiency of his heirs male, the lesser kingdom must be an acquisition to the larger. Whatever may be in this speculation, we know that James appointed as his plenipotentiaries the bishop of Murray, John lord Drummond, Sir William de Knoll, Sir William de Murrey of Tullibarden, Sir John de Loundy, and Richard Lawson, clerk. James, at this time, was employing himself in the most laudable affairs of government, by making a progress in person all over his kingdom, and marking all the grievances of his subjects, that they might be remedied in the ensuing parliament. Young, gay, and gallant as he was, he had established a maxim, that in his reign the rush-bush should keep the cow, meaning that his regulations should exempt the inhabitants from the trouble of guarding

A.D. 1495. their cattle; and it is universally allowed by historians, that he brought the honest part of his subjects into a greater state of security than had ever been known in that country before.

The eldest
Princess of
England
offered to
James in
marriage.

While the Scots were in suspense about the success of their ambassadors, who were to chuse a wife for their sovereign, Henry resolved to come at once to his point, by offering James the hand of his eldest daughter, the princess Margaret, in marriage; for I perceive, that in the month of June this year, he constituted the bishops of Durham and Carlisle, Thomas earl of Surry, Randolph Nevyle, lord Nevyle, Thomas lord Dacre, lieutenant of the west marches, and Sir William Tyler, his ambassadors, or any two of them, the bishop of Durham being one, to negotiate a marriage between the king of Scots and his eldest daughter, the princess Margaret. This match, by far the most illustrious of any in Europe, seems to have carried with it no temptation for James; and it is now necessary to enter upon the history of the person who is commonly called Perkin Warbeck, so far as it is connected with that of Scotland.

It does not fall within my province to enquire into the reality of the murder of the two sons left by Edward the fourth of England, and which has been generally imputed to their uncle, Richard the third. That Richard has been loaded with guilt which he never committed, seems to be certain; and his memory lay under

der particular disadvantages. Henry the seventh, who succeeded him, was a worse man than Richard; and the whole business of his life was to exterminate, by the most bloody, inhuman, means, the remains of the house of York. The same barbarous policy prevailed during the reigns of his son, his grandson, and his two grand-daughters; nor would it have been safe for any subject in England to have professed a doubt that Richard the third was not the most bloody tyrant that ever swayed the sceptre. It was not the interest of James the sixth of Scotland, who succeeded to the crown of England by his descent from Henry the seventh, to contradict this prepossession; and it was rivetted by the pen of Bacon, a venial lawyer, but the greatest philosopher of his age, who wrote the history of Henry the seventh. This writer, without producing a single proof that carries with it the face of authenticity, has endeavoured to fix the marks of imposture upon Perkin; and after-times have adopted the same notion. Though it is foreign to my purpose to enter upon particulars, yet whoever considers the whole complexion of that unhappy pretender's history, can scarcely entertain a doubt that he was the second son of Edward the fourth, and that he had been sent secretly abroad, where he was either received or discovered by his aunt, the duchess of Burgundy. An English act of parliament

See Carte.

A. D. 1495. had already rendered his birth illegitimate, and had consequently secured the throne to Richard.

History of
Perkin -
Warbeck.

Had the duke of York, son to Edward the fourth, been then alive, he must have been twenty-one years of age, which was that of Perkin. The duke had lived, according to some historians, eleven years in his father's court; so that his person, notwithstanding the advance of years, could scarcely have been mistaken by the great nobility and members of parliament, who had seen Perkin abroad, and were free enough unanimously to speak their sentiments, acknowledged him to be the identical duke of York. His first appearance as such was at the court of his aunt the duchess of Burgundy, who is ridiculously represented as being privy to the imposture. Whatever dislike that princess could have had to Henry the seventh, it is very unlikely that she would, without internal conviction, have hazarded the loss of her own revenues (great part of which depended upon a trade with England) and have deprived her niece's posterity of the English crown. The striking resemblance which Perkin bore to Edward the fourth, the beauty of his person, and the grandeur of his manner, are acknowledged by historians the least friendly to his memory. His education had been virtuous, and carefully tended by the duchess of Burgundy. Upon
a breach

a breach between Henry and the court of France, he had been sent with an English lady (the lady Brampton) to Portugal, where he was well received by John the second, the greatest prince that had ever filled that throne. After residing a year in Portugal, he went to Ireland, where he wrote to the earls of Desmond and Kildare, commanding them to assist him in recovering his patrimony. Those two noblemen did not dare to give him credit; and he was forced to throw himself upon the affections of the common people, who being devoted to the house of York, flocked to him from all quarters. Being destitute of money, arms, and ammunition, his success in Ireland was but indifferent; and, while he was waiting there, Charles the eighth, king of France, sent over one Frion, who was in his service, and had been formerly a kind of a secretary to Edward the fourth, to enquire into the truth of the pretender's allegations. Frion (who probably could not have been mistaken) no sooner saw Perkin, than he pronounced him to be the duke of York, and conducted him, according to the orders he had received from Charles, to the French court, where he was treated with all the distinction due to his birth and pretensions; nor did Charles entertain the least doubt of his being Edward the fourth's son. Sir George Nevyle, Sir John Tyler, and about an hundred other English gentlemen, recognized

A.D. 1495. nized him in the same quality; and Frion constantly resided about his person. A royal guard was allowed him by the French king; but the treaty of Estaples, which was concluded between Charles and Henry, put a period to the hopes of Perkin in that country. That Charles actually believed him to be the true duke of York, is evident from his rejecting the most earnest applications of Henry to deliver him up; nor could he be prevailed upon to deny him a residence in his kingdom. All he engaged for was the general stipulation, which parties in treaties mutually agree to, that neither would assist nor abet the enemies of the other. Perkin afterwards repaired again to the duchess of Burgundy's court. That princess affected to be extremely shy of believing him to be the real duke of York; but whether her distrust arose from any fresh matter of doubt, or from a motive of policy, is uncertain. Perkin appeared constant and uniform, but becomingly modest, through all his examinations, and persevered in all he had asserted, though he was threatened with imprisonment. All the scruples of the duchess at last vanished. She acknowledged him to be the real duke of York, gave him the title of England's White Rose (which was the badge or cognizance of that house) and assigned him a guard of thirty halberdiers. Many English noblemen and gentlemen, who had known the duke of York in his father's

A. D. 1495.

father's life-time, went to the court of the duchess in Flanders, where they recognized Perkin as real duke of York; and Henry actually failed in an attempt which he made to prove that he had been murdered. The unpopularity of Henry's government, at this time, was undoubtedly of great service to Perkin; and his pretensions became soon so serious, that Henry employed persons to prove that he was by birth the son of a convert Jew, who was a kind of a travelling pedlar through Flanders; and that the duchess of Burgundy, through the great aversion she had for the house of Lancaster, had picked him up, and instructed him in the part he was playing.

All the effects of Henry's earnestness to discover the imposture, terminated in vague, uncertain, accounts, no two persons agreeing in the same; nor even as to his parentage or native country. He applied, at last, to young Philip, archduke of Austria (who was sovereign of the estates possessed by the duchess of Burgundy, and son to the emperor Maximilian) for his interposition with the duchess for the dismissal of Perkin, or giving him up to justice. Lord Bacon has given us the speech of Warham (one of Henry's ambassadors, and afterwards archbishop of Canterbury) to Philip, endeavouring to prove the imposture of Perkin; but all his allegations are vague, full of declamation, and without any evidence to support

A. D. 1495. support them. The answer returned by the Flemish ministry was, that the duchess of Burgundy was mistress of her own dominions, and that they had no controul upon her conduct; but that their master would inviolably preserve peace with the king of England. Henry looked upon this answer to be, as indeed it was, no better than an evasion, and banished the Flemings out of England; and having gained over Sir Robert Clifford, one of Perkin's strongest partizans, he came to the knowledge of the strength of his party in England, many of whom he arrested, and punished some capitally. Among the latter was Sir William Stanley, brother to the earl of Derby, and so great a subject, that Henry owed to him his crown. This Stanley was beheaded only for saying to Sir Robert Clifford, that if he was convinced Perkin was the true duke of York, he would not draw his sword against him. Such executions served only to render Henry more and more unpopular. He increased his vigilance, especially over Ireland, where he imagined the pretender had many friends; and the Flemings being extremely uneasy at the interruption of their commerce with England, Perkin became apprehensive that he could not be long sheltered in Flanders.

He gathered together a number of adventurers of all ranks and nations, and procuring some shipping, he appeared off the Kentish coast.

coast. Henry was, at that time, upon a progress in the North, but had taken particular care to provide against any descent upon Kent; and a small party of the invaders venturing to land, many of them were killed, and an hundred and sixty-nine taken prisoners, of whom no fewer than an hundred and fifty were executed. Perkin, thus disappointed, steered his course towards Ireland, which Henry had been at uncommon pains to secure to his allegiance. He had found means to gain over the earl of Desmond, the pretender's most powerful partizan in that country; and Perkin meeting with less encouragement there than he had done in England, set sail, with about six hundred attendants, for Scotland, so that his history now becomes connected with my subject.

This year, the parliament met at Edinburgh, and, among other regulations, took under its consideration the state of the courts of justice in Scotland. No attention had been paid to many of the regulations of the late reign, particularly those for abolishing hereditary jurisdiction, which had now reverted to their owners. It was with concern that James and his ministers saw many of those hereditary judges grossly ignorant both of all human literature, and the laws and constitution of their country; a consideration which presented a melancholy prospect to future times, and unborn generations. In order to remedy the evil,

A.D. 1496. one of the noblest, wisest, and most humane acts passed in this parliament, that the history of any nation can produce, importing, "That all barons, and freeholders of substance, should henceforth send their eldest son and heir to the grammar-school at eight or nine years old, there to remain till they had attained a perfect mastery of the Latin, when they were to be removed to the colleges where the arts and law were taught, at which places they were to continue three years; to the end (says the record) that justice might reign universally through the realm, all judges ordinary under his highness having knowledge to do justice." Such were the cares of the Scotch legislature for promoting polite literature among laymen of rank and property in their country, at a time when the laity of England, France, and other parts of Europe, were plunged in barbarism, and when they were obliged, on that account, to chuse their statesmen and judges from the body of the clergy.

This spirit was, in a great measure, owing to that excellent prelate, Elphinston bishop of Aberdeen, and chancellor of Scotland. He had been educated in France, where he saw all the civil trusts of the kingdom vested in churchmen. Upon his return to his own country, he was employed under the late reign in several embassies of great weight and consequence, and obtained so much credit abroad, that pope

Alexander, in the year 1494, gratified him in his earnest solicitation for erecting an university at Aberdeen, by granting him a bull for that purpose. As he was himself born at Glasgow, it is probable that his founding the university of Aberdeen, and the many noble works he erected there, particularly the bridge upon the Dee, at an immense expence, was owing to the happy effects which he observed the like institutions had in the southern parts of the country, by softening the tempers, and polishing the manners; of the inhabitants. They of the North were, as yet, destitute of those advantages, and his erection was attended with wonderful success; but I shall have occasion hereafter to mention this illustrious prelate.

The conduct of James, at this period, is unaccountable. He had entered into a treaty of marriage with the eldest daughter of Henry, and he is about to espouse the cause of a pretender to his crown. To what other cause can we attribute so unnatural a behaviour, than that of his hereditary predilection for France, and aversion for England? The duchess of Burgundy had not only herself wrote to James, but had prevailed with the French king and Maximilian to recommend the cause and protection of Perkin to him in the strongest manner. James had in his disposition a romantic turn. He had seen Perkin received by the greatest prince on the continent as the true heir to

Conduct of
James to-
wards him

A. D. 1496. the crown of England; he had heard of nothing that was solid, or indeed probable, to contradict his claim; and, upon the whole, it seems to be certain that he believed him to be the real duke of York. He considered this as a glorious opportunity for assisting the cause of injured innocence, in the person of a sovereign prince. He received Perkin and his followers with great state at Edinburgh, while the appearance and conversation of Perkin exceeded the most sanguine expectations of James. He had then at his court one of the greatest beauties of that age, and the most virtuous of women, the lady Catharine Gordon, daughter to the earl of Huntley, whose blood was allied to that of the royal family. Perkin fell in love with this lady, and James gave him her hand in marriage.

A declaration or manifesto was next prepared, in the name of Richard duke of York; and James, whose dominions were then in an excellent condition, raised an army to replace him in his undoubted right. The declaration is curious and artful. It recapitulates all the tyrannical acts of Henry, and his bloody proceedings against Perkin's friends; but offers pardon to all who should join him in his attempt to regain his right, with a thousand pounds in ready money, and an hundred marks yearly of landed estate, to any one who should kill or take Henry Tudor. Upon James's entering

tering Northumberland at the head of his army, this manifesto was dispersed, but with little effect, which was a most dreadful disappointment to James. The northern counties had always been remarkable for their attachment to the house of Lancaster; nor can it be reasonably supposed that the partizans of the house of York would be fond of a sovereign recommended to them by a king of Scotland at the head of his army. There is the strongest reason to believe, that Perkin had given James assurances of a rising in the south of England, which accordingly happened in Cornwall; but the insurgents were defeated, and their ring-leaders put to death. James was, at that time, besieging the castle of Norham, and had laid the neighbouring country under military executions for not receiving their lawful sovereign, who protested to James, that he would rather lay aside all thoughts of a crown, than purchase it by the bloodshed and devastations which he daily beheld. James, by this time, thought he had gone too far, as he found the English so averse to the pretender; and he answered him with some peevishness, that he was greatly concerned for a country to which, according to all appearances, his right was very doubtful.

The news of the invasion of England by the Scots, and the breach of the truce, was received with great indignation by the English
par-

He invaded
England.

A. D. 1496.

parliament. Polydore Virgil, a foreign historian, says, that when James entered England, he sent before him, by way of advanced guard, a body of horse, who reconnoitred the country, and made their report that it was wholly unprovided of defence; nor did he proceed to military execution, till he lost all hopes of the pretender being joined by the inhabitants. Henry's inaction was occasioned partly by the Cornish rebellion, and partly by the dependence he had on the marriage-treaty, which was still in agitation. It was on the thirteenth of February

1497.

1497, before he ordered a commission of array against the Scots, whom he bitterly accused, in his commission, of murdering and destroying his subjects, without regard to age or sex; and that their barbarities exceeded all those of former times. He had been liberally supported by his parliament, both to crush the Cornish rebellion and the Scotch invasion. No sooner was the former suppressed, than the earl of Surry, who was Henry's warden and general in the North, and who had hitherto lain inactive, was joined from the South by a strong reinforcement, which rendering his force superior to that of James, he marched to the relief of Norham-castle. That fort had been well furnished with all the means of defence by the famous bishop Fox, who was now bishop of Durham; and James, thinking he had done enough in point of honour, hearing of the earl's march,

march, retired to Scotland, but could not prevent the English from becoming masters of the castle of Ayton. A.D. 1497.

Any prince but one of Henry's cool, flegmatic, disposition, would have resented, in the strongest terms, an invasion attended with such aggravating circumstances; but it served only to accelerate an accommodation between the two crowns. The daughter of the king and queen of Spain, two princes of the same dispositions with Henry himself, was, at this time, espoused by the prince of Wales. What opinion they had of Perkin's right is uncertain; but they could not be easy while he was so powerfully protected in Scotland. They had again and again expressed their apprehensions on that head to Henry, and he resolved to sacrifice all considerations to their friendship. They had already nominated Peter d'Ayala, one of the ablest negociators of his time, to be their ambassador with Henry, and, in fact, to mediate a peace with Scotland. The earl of Surry had been recalled to England immediately after he had taken the castle of Ayton; and Henry had proposed to resume the treaty of marriage, and had appointed the bishop of Carlisle, Sir Thomas Dacre, Dr. Warham, and Henry Wyat, to be his commissioners for that purpose. James, who now heartily repented of his late expedition, embraced the proposal, and nominated for his commissioners William Elphin.

An accommodation.

Rymer, vol.
XII. p. 670.

A.D. 1497. Elphinston, bishop of Aberdeen, and keeper of the privy-seal, Andrew Foreman, apostolic prothonotary, Sir Patric Hume of Fastcastle, and Mr. Richard Lawfon, clerk to the court of justiciary. The commissioners on both parts had several meetings at Ayton; but the negociation meeting with great difficulties, they agreed to refer their differences to d'Ayala, who had been furnished with full powers to take upon him the negociation. He therefore immediately repaired to the court of James, to whom he presented his credentials, and met with a most favourable reception.

James pro-
tects Perkin
Warbeck,

Though the greatest harmony subsisted at this time between James and his subjects, yet many of them had been secretly gained over by Henry's gold, and others had openly disapproved of the late invasion in favour of Perkin. The dispositions of the latter tallied with those of James; and the two kings agreeing to stand to the award of d'Ayala, a seven years truce was agreed upon for their respective dominions, and their allies. The conservators of this truce, on the part of Scotland, were the bishops of Aberdeen and Galloway, the lords Borthwic and Seton, Sir Patric Hume of Fastcastle, and Mr. William Lawfon. By a separate article between d'Ayala and William Warham, the said truce was prolonged during the lifetime of both kings, and a full year after the death of the longest liver. Notwithstanding
this

this truce, the negociation met with great difficulties. The English insisted upon receiving an indemnification for the breach of the truce, and for the damage that had been done to their country during the late invasion. This being absolutely refused by the Scots, the English commissioners warmly insisted upon the pretender's person being delivered up to their master. This was a measure which was highly consistent with the honour as well as the interest of James to have complied with, had he believed Perkin to have been an impostor; but he thought the proofs of his allegations were so strong, that he could not abandon him; and indeed all the other powers in Europe seem to have been of the same opinion. Abercromby is so absurd as to say, that James protected him even after he was convinced of his being an impostor, because he had called him duke of York, made war in his name, and married him to his kinswoman; but those were the very reasons why Perkin ought to have been delivered up to justice, as they were the effects of most infamous forgeries. All that James could be brought to consent to by the Spanish and English ministers, was to send Perkin out of Scotland, but in an honourable manner.

James accordingly sent for the unfortunate adventurer, who received the news with a magnanimous resignation, throwing the blame of all upon his own ill fortune, which would

and dismisses him honourably.

A.D. 1498. wic, the undoubted heir male of the York family, was afterwards executed for treason.

Notwithstanding the pretended declaration that had been published of Perkin's imposition, the king and queen of Spain would not consent to finish the marriage-treaty between their daughter Catharine and the prince of Wales, till Perkin and the earl of Warwic were put to death; which occasioned that bitter reflection which afterwards fell from Catharine, that her marriage must be unprosperous, because it was sealed in blood. Thus much I have thought proper to say of this famous adventurer, whose vindication is connected with the history of the excellent prince which I am now writing. All I shall add is, that before the publication of Mr. Rymer's Collection, neither the Scotch nor English historians mention any treaty of marriage being on foot between James and the eldest princess of England.

Marriage
preceedings.

That James was a very cold lover, seems to be past all doubt; for though he ratified all that had been agreed upon by d'Ayala and his ministers, and though Henry had done the same, yet we find no advances on his side for the marriage. This might be partly occasioned by the youth of the princess, who was only, at the time I treat of, ten years of age; but I am inclined to think that other obstacles interposed. Some of the most considerable of Henry's subjects strenuously opposed the match
in

in council; but they were answered by Henry in the terms I have already mentioned, that supposing a failure of all his other issue, and that the crown of England should descend to the progeny of that marriage, yet still Scotland would become an acquisition to England. The opposition, however, was so stubborn, that it suspended, for some time, the conclusion of the treaty, and James hinted to Henry, that he thought himself extremely ill used; but an incident now happened which bade fair to rekindle the flames of war between the two nations.

A few Scotch young gentlemen, inhabitants of the borders, had, during the holidays, made a practice of spending some time in merriment and jollity at Norham, which was then in the hands of the English. The officers and soldiers of the garrison being disgusted by their frequent visits, which, they said, was only to discover the strength or weakness of the place, a quarrel ensued, in which some of the Scots were killed upon the spot. When this fact was related to James (who was already sufficiently ruffled with the behaviour of the English council) he swore in a passion, that nothing in the course of nature was more certain, than that there could be no peace between the people of Scotland and England. Before he would do himself justice by force, he dispatched a herald to Henry, with a formal complaint of what

Danger of
a rupture
with Eng-
land.

A.D. 1499. what had happened, and, if satisfaction was refused, with orders to denounce war. Henry received the message as he was preparing to march against the Cornish men; and, after treating the herald with the greatest politeness, he returned for answer, that what had happened was entirely without his knowledge, and against his intention; and that if his subjects should be found to have been the aggressors, James should receive all the satisfaction he could require in the terms of treaties.

The marriage negotiation finished.

James was far from being satisfied with this answer, which he said was evasive and dilatory; and Henry sent orders to the bishop of Durham, who was the owner of Norham-castle, to do all he could to appease him. This prelate, who was one of the ablest negotiators of his time, knew Henry's most inward sentiments, and that there was nothing he wished more to avoid than a breach with Scotland. He wrote to James an apology in terms so submissive, that the latter was mollified, but intimated to the bishop, that he should be glad to see him at Melros, to treat with him upon other matters that remained to be adjusted between him and Henry. The interview accordingly took place; and it was easy for the bishop to see that the real grounds of the king's resentment arose from the manner in which he had been treated in the affair of the marriage. The bishop having communicated this intelligence

1500.

gence to Henry, the king sent him orders to remove, at any rate, all impediments to a good understanding with James, without losing a moment. As the bride was no more than ten years and six months old, and in the fourth degree of blood to James, it was necessary to have a dispensation from his holiness, which was accordingly obtained; but, in the mean time, it was necessary to settle all matters in dispute between the two nations. The archbishop of Canterbury, the bishop of Winchester, and the earl of Surry, were the English plenipotentiaries for this purpose. Those for Scotland were, Robert archbishop of Glasgow, Patric earl of Bothwell, great admiral of Scotland, and warden of the West marches, and Andrew bishop of Murray. Their plenipotentiary powers are dated at Stirling the eighth of October 1501; and in January following, the marriage articles, and a treaty of perpetual peace, were concluded at Richmond. As this was one of the most important transactions that had ever passed between the two crowns, I shall make no apology for laying the articles themselves before my reader.

“ First, That James king of Scotland shall, at Candlemas next, in person, or by his proxy, marry the princess Margaret (who, on the last day of November by passed, had attained to the full age of twelve years) and that no exceptions shall be made against their consanguinity

A. D. 1500.

1501.

The transactions.

A.D. 1501. guinity or affinity, both having been beforehand dispensed with by the sovereign pontiff.

“Secondly, That the said princess shall be convoyed, at the charges of the said king her father, and delivered to her said husband, or to any impowered by him to receive her, at Lamberton-kirk, about the beginning of September 1503, and not till then.

“Thirdly, That before the first day of July 1503, the said princess shall be legally in feft and seized in all the lands, castles, &c. which the queens dowagers of Scotland usually enjoy; and if all these lands be not found to yield the yearly revenue of two thousand pounds English, or, which was then the same, six thousand pounds Scots money, that her said husband shall assign her as many other lands as will make up the deficiency.

“Fourthly, That the said princess shall be allowed to have always by her, at least, twenty-four servants of the English nation, men or women, as she shall incline, over and above her Scottish domestics; and that all these shall be entertained at the charges of the king her husband, who shall give her every year the sum of a thousand pounds Scots, or five hundred merks sterling, by equal proportions, at the feasts of Easter and Michaelmas, to be disposed of at her pleasure.

“Fifthly, That, in case of the death of the said king her husband, she shall be allowed to reside

A. D. 1501.

reside within or without the kingdom of Scotland, as she shall think fit; and that although she should chuse to reside without the kingdom, yet her whole jointure, amounting to the aforesaid sum of two thousand pounds sterling, or six thousand pounds Scots, shall be faithfully paid.

“Sixthly, That the king her father shall pay for her portion, to the said king James her husband, thirty thousand pieces of gold, called angel-nobles, or the equivalent in the current coin of England; whereof ten thousand be paid at Edinburgh, eight days after the consummation of the marriage, other ten thousand on the same day of the ensuing year 1504, at Coldingham, and the last ten thousand towards the end of the next year 1505.

“Seventhly, That, in case the said princess shall chance to die without issue, before the complete payment of her portion, the remainder unpaid shall be no more due; but, if she shall chance to leave issue behind, then the whole shall be faithfully paid, as if she was alive.”

At the same time, a peace was concluded between the two kingdoms, upon the following terms:

“First, That, in all times to come, there shall be a sincere, complete, and inviolable peace, friendship, and league between the most illustrious and excellent princes, James king
VOL. IV. Pp. of

A. D. 1501. of Scotland, and Henry king of England, their heirs and lawful hereditary successors, their kingdoms, and subjects, whether ecclesiastic or laic, &c.

“ Secondly, That neither of the said kings shall favour the rebellious subjects of the other, directly or indirectly, but shall, on the contrary, commit them to prison, as soon as they are known to be such.

“ Thirdly, That all safe-conducts granted, or promises made, to any of the English rebels by king James; shall be recalled, and never renewed; and *vice versa*.

“ Fourthly, If either of the said kings shall be attacked by another emperor, king, prince, &c. that the king who is not attacked shall assist him who is, as soon, and with as many forces, as shall be required, provided that these forces be maintained at the charges of that king to whose assistance they shall be sent.

“ Fifthly, That the king of Scotland shall not molest nor besiege the town or castle of Berwic; nor shall the inhabitants thereof give any disturbance to the subjects of the said king of Scotland.

“ Sixthly, That the fifth garth of Esk shall be equally free to the subjects of both kingdoms, so that either the Scots or English may break or repair, without being quarrelled by either of the kings.

“ Seventhly,

“Seventhly, That the allies of both kings shall be comprehended in the treaty ; namely, the king of the Romans, Lewis king of the French, the kings of Spain, Portugal, and Denmark, the archduke of Austria, the dukes of Venice, Ferrara, and Savoy, and the Hanse-towns of Germany, on the part of king Henry ; and on that of king James, Lewis king of France, John king of Denmark, the king of Spain, the king of the Romans, the archduke, of Austria, the dukes of Gueldres, Alsace, and Cleves, and marquis of Brandenburg. That all these shall be informed of the treaty, and invited to come into it within eight months ; and, if they do not accept of the offer, they are, in that case, to be considered as unconcerned : as also, that, if the king of England shall chance to make war with any of the said allies of the king of Scotland, the said king of Scotland may assist his said ally with auxiliary forces, to be sent to his assistance and defence ; but shall not offer to make a diversion on his behalf, by attempting any thing against England itself, *et vice versa* ; so that the peace between the two kingdoms shall remain inviolable as before.

“Eighthly, In case (which God forbid) that the said king James or princess Margaret should die before the consummation of their marriage, the peace shall nevertheless continue, unless either of the kings, their heirs or successors,

A.D. 1501. cessors, do make known to the other, within two months after the decease of the said king or princefs, that he will not adhere to the treaty. And,

* Ninthly, In that case, that is to say, altho' the peace should not take effect, by reason of the death of either of the parties, or near delivery of the princefs, at the time appointed, yet the truce formerly concluded shall continue during the life of both the said kings, and one year longer.

“Tenthly, That both kings shall obtain a ratification of the present treaty from the pope, before the first day of July 1503; and that the party-breaker shall submit himself to the sentence of excommunication, and be actually excommunicated.”

Moderation
of Henry
the seventh,

This may be called the first peace which had been made for an hundred and seventy years, that is, since the treaty between Robert the first and Edward the third of England, which was ratified by the English parliament at Nottingham, that bade fair to restore a permanent tranquillity between the two kingdoms. The reader will naturally perceive, that Henry had dropped all mention of that superiority over Scotland, which had drawn deluges of blood from the subjects of both kingdoms. The town and castle of Berwic were indeed ceded to the English, but they were already in possession of both; and they had been a perpetual source

A. D. 1502.

to the Scots of wars always unavailing, and often unsuccessful. No mention was made of the Isle of Man, by which the possession of it was tacitly left to the English, who had long held it; nor indeed could it have been of the least consequence to Scotland, without an absolute superiority by sea. Upon the whole, it is evident, that Henry most sincerely laboured to extinguish all seeds of differences between the two nations. The more readily to effect this, the state of the borders came under the cognizance of the commissioners; and as they formed two separate states, which were not to be regulated but by laws and usages peculiar to themselves, the best and most lasting methods were taken for that purpose.

Henry, wise and provident as he was, was far from gaining his ends of James, whose dispositions were the reverse of his. He had, agreeable to his sordid character, given the bishop of Murray, one of the Scotch ambassadors, a list of the names and appointments of those who were to attend his daughter in the Scottish court, desiring the prelate to transmit it to James, that provision might accordingly be made for their payment. James was gallant enough not to dispute his father-in-law's arrangements; but he hinted to him, that he had no right to prescribe the appointments which were to be paid to his wife's domestics. Henry was not so successful in another attempt
he

1502.
who endeavours to detach James from France.

A. D. 1502. he made in his political capacity. One of his great views in completing the match, was to detach James from his connections with the crown of France; and it is surprising, as this was a matter which Henry had so much at heart, that some express provision was not made for it in the treaty. No sooner were the marriage articles signed, than Henry wrote to his right dear and entirely beloved son, intimating, that as by the late treaty, and the bonds of affinity entered into between the two crowns, Scotland could no longer stand in need of French assistance; he therefore hoped that James would suspend his renewal of the old league with the French crown, at least for some time. This letter, which was dated the twenty-seventh of June, and delivered to James by Sir John Hume of Duns, is a proof how little Henry knew of his son-in-law's sentiments. James, however, answered him with great politeness, that though he saw no reason why his dearest father should insist upon such a delay, yet he was willing to oblige him, by deferring the confirmation till they should have an interview together, or he should be better advised. James added, that it had been usual to confirm the league between the kings of France and Scotland upon the death of either.

Henry ratified the late treaty at Westminster on the thirty-first of October, in presence of his own nobility and the Scotch ambassadors. When

James

James came to perform the same ceremony in the high-church of Glasgow, in presence of the English ambassadors, Sir Thomas Darcy and Mr. Henry Babington, he gave a most signal proof of his predilection for his French allies; for he refused to swear to the peace till the designation of king of France was struck out of Henry's titles; and in this he seems to have been seconded by the chief of his nobility, who were present upon the occasion, which happened on the tenth of December. This behaviour of James is the more remarkable, as his bride was not yet arrived.

On the eleventh of March 1503, a parliament met at Edinburgh. From their proceedings, which are upon record, it appears, that their main business was to introduce into the Highlands the same course of justice that prevailed in the Lowlands, where a profound tranquillity now reigned, and every subject submitted himself to the civil power. This was far from being the case of the Highlanders, whose country was inaccessible to the justiciary lords, the sheriffs, and the peace-officers. Those disorders seem, in a great measure, to have been fed from the neighbouring isles, where the inhabitants had no idea of any other obedience, but that which was due to their barbarous chieftains. For remedying those evils, it was ordained, "That for the future justices and sheriffs should be deputed to these parts; those

1503.
A parliament.

Black Acts.

for

A. D. 1503. for the northern isles holding their courts either at Inverness or Dingwall, while the deputies for the south isles should sit in the Tarbar of Lochkin-kerane." The like regulations were made for those parts of the islands that lay between Badenoch and Lorn, and the adjacent country. It is observable, that the lordship of Lorn, as well as the Isle of Man, had, in all negociations but the last, been excepted out of the treaties between Scotland and England, and the regulations of this parliament partly account for the reason of that singularity; for the record says, that "that lordship had been out of use to come to justice-airs." It was therefore enacted, "That for the future the inhabitants of Dowart, Glentewart, and the lordship of Lorn, should attend those courts at Perth *" In short, proper places of resort for justice were appointed all over the Highlands; nor is there occasion that I should be more particular. The county of Inverness was

* I suspect, that ever since the death of that lord of Lorn, whose name was Macdowal or Macdougall, and who was the great enemy of Robert Bruce, the tenants, or rather subjects, of his estates (which comprehended all Argyleshire, with a great part of Galloway and the Highlands, all which originally went under the name of the lordship of Lorn) had a nominal dependence upon the kings of England, who might not think proper formally to relinquish their claim, though they made no advantages by it, the people themselves being governed by their petty chieftains, who, as appears by this act, had never submitted to the laws of Scotland. The independency of that kingdom being fully ascertained by the late treaty, Henry had no farther pretence to keep up any claim that arose from the pretended superiority of his predecessors over Scotland.

so large, that the parliament statuted, "That a sheriff should be appointed for Ross, to administer justice in Thane or Dingwall; another being commissioned for the diocese of Caithness, to hold his courts either at Dornock or Wick, as the causes might require: yet criminal actions committed within the sheriffdoms of Inverness, Ross, and Caithness, were still to be tried at the justice-airs of Inverness." Perthshire, which in extent was next to Inverness, was put under similar regulations and divisions; nor was there a spot in Scotland where the inhabitants were not rendered amenable to civil and justiciary courts. Such were the measures provided for the peace of the Highlands; and those for the execution of justice in the Low-Countries were equally wise and vigorous.

Civil causes had become very numerous, through want of time within the statute-days (or, as the English call it, the Term) allotted for adjudging them; so that some of them had been delayed from year to year. It was therefore enacted, "That his majesty should nominate a council * to sit at Edinburgh, or where he resided, for the daily decision of complaints as they should occur, and to have the same powers as the lords of session, it being notified to the people when and where they were to

* The designation of the present senators of justice in Scotland is the lords of council and session.

A.D. 1503. fit." The practice of murder continuing but too frequent, the king (I suppose by the lords of articles) recommended to his parliament to provide some remedy for this growing evil, which he knew arose from the hopes the criminals had of obtaining remissions. The remedy the parliament fell upon was pretty extraordinary; for they enacted, "That no pardon should pass for premeditated murder;" but, at the same time, they put it in the power of James to make a special revocation of the statute, whenever he was permitted so to do by the decrease of that horrid practice.

Its excellent regulations.

The most excellent regulations were made by the same parliament for encouraging the importation of bullion, and for keeping gold and silver within the realm. Provisions were made for the improvement of agriculture; and as the wood of Scotland was almost destroyed, on account of the small fines annexed to the offence, the old laws for encouraging planting were revived; and that every freeholder should make parks for deer and rabbits, build dovecots, plant hedges and orchards, and at least one acre of wood, where no great forests grew. The like regulations were made for preservation of the young fry in rivers, fish-ponds, orchards, bees, and in general of all game. The laws against sturdy beggars were revived and amended, as were those relating to the building of ships and weaponshawings; and it

was

was enacted, “ That all widows should be entitled to their third, till it could be proved they were not married to those with whom they had lived; and that measures and weights should be deposited in Edinburgh by the chamberlain, as standards for the whole realm.” I cannot help remarking, from the proceedings of this parliament, that the representation of the members who composed it continued still unfettled; for an act now passed, “ That no baron, freeholder, or vassal, not possessing one hundred marks of the then extent, amounting to about thirty-three marks English, should be compelled to come personally to that assembly, unless the king should issue a particular writ, commanding his attendance.” They were, however, to send representatives to answer for them; and all who possessed more than one hundred marks yearly, were compellable to come under the former penalties.

I do not perceive that the burghs were, at this time, fond of sending representatives to the parliament; and they had probably complained of it as being attended with trouble and expence. This parliament, however, ordained, “ That when any taxes were to be levied, the commissioners and head men of the burghs, as forming one of the three estates of the realm, should be duly warned.” The old privileges of burghs and merchants, and the acts relating to sailors, were revived and con-

A.D. 1503. but I am inclined to think none were added, as the land rentals were certainly encreased in Scotland at this time.

Her arrival
in Scotland.

Pleasure was now all the business of James and his court. Henry, for the first time, exhibited a specimen of his magnificence, by the preparations he made for his daughter's journey to Scotland. I have seen the originals of the papers transcribed from Henry's own writing by the heralds who were to superintend the procession. They contained the number and quality of the bride's attendants of both sexes, who were to wait upon her at the several places where she stopped or lodged, the manner of their relieving each other, and the several duties they were to perform about her person. They consisted of the chief nobility and gentry in the kingdom, and they were attended by above two thousand followers, and the most splendid equipages that were made use of in those times. On the sixteenth of June, the royal bride set out from Richmond in Surry, in company with her father, who gave her the convoy as far as Collewelston, the residence of his mother the countess of Richmond. After passing some days there in great jollity, Henry resigned his daughter to the care of the earls of Surry and Northumberland, who proceeded with her, in the manner and form prescribed by their master, to the borders of Scotland, where many of the company

A. D. 1504.

pany were permitted to take their leave; but those who remained still made a royal appearance, and arrived at Lamberton-church, where she was met by James, attended by a most superb train of his nobility and officers of state. From Lamberton she was conducted to Dalkeith, and next day to Edinburgh, where the marriage was celebrated with incredible splendor. From the best accounts, both published and in manuscript, it appears, that the Scots outshone their guests in every article of luxury. Their apparel was more costly, their chains more massy, and their furniture and equipages richer. This must have been owing to the great intercourse and commerce which James and his subjects, at this time, entertained with foreign courts and countries; for even the most sober luxuries were then unknown in those of Denmark and Sweden, and the other northern parts of Europe.

Not only English, but foreigners, from France, Germany, and other countries, were guests at this illustrious marriage, and partook of the festivities attending it, which, according to the modes of that time, and the particular disposition of James, chiefly consisted in feats of arms. James, in some of those exhibitions, appeared in the character of a savage knight; and it is said that he distinguished himself above all the company by his strength, activity, and ad-

Splendor of
that court.

A.D. 1504. address in arms. That he might support this character with the greater propriety, he was attended by two bands of Highlanders, or persons in that dress, who skirmished with each other; but their exercises were far from being harmless, for they were followed with real wounds and bloodshed, which struck the spectators with the highest astonishment at the resolution of the combatants, who could thus sport away their lives, the customs of the times not suffering them to hold the practice in detestation. Their arms were a target and broadsword*, and their music bagpipes. The exhibitions of the day being over, the night was spent in princely entertainments, masquerades, and dancing. Among the foreigners who attended those festivities, was a Frenchman, one Darcy, who called himself the chevalier de la Beaute, famous all over Europe for his martial prowess; but when he tilted with the lord Hamilton, cousin-german to James, neither combatant could boast any advantage over the other. The king's politeness was still more distinguished than his chivalry, so noble was the entertainment, and so elegant the attendance paid to every illustrious guest. Upon the whole, this may be said to have been the

* Drummond says a two-handed sword; but both hands being required to manage that weapon, little use could be made of the target.

vertical period of Scotland's glory and happiness; for she declined from both, while an independent kingdom, ever after *.

* The old Scotch historians have omitted the principal decoration of those celebrities, which was a poem composed by one Dunbar in honour of queen Margaret. It is incomparably the finest piece of English poetry of any composed till that time, and the most picturesque. It is written in the form of an allegory. The month of May appears in her proper attributes to the author, and commands him to attend her, and to celebrate her rose. He follows her, it being then day-break,

And as the blissful sun drave up the sky,
All nature sang throu comfort of the licht;
The minstrels wing'd with open voyces cry,
O lovers, now is fled the dully night,
Come welcome day, that comforts every wicht.
Hail May, hail Flora, hail Aurora shene,
Hail princefs Nature, hail luv's hartsome quene.

Though those are far from being the best lines in the poem, yet I have quoted them to give the reader some idea of the author's descriptive powers, and how well he had studied Lucretius, a classic who in those days was very uncommon. But to proceed in the allegory. Queen Nature summons the animal creation, and all the flowery products of May, to attend her, and do her homage. She employs the swift-footed roe to be her messenger to the beasts, the restless swallow to the birds, and the yarrow to the flowers. The reader, we doubt not, will be pleased to see a description of James's person under that of a lion, which was his armorial bearing.

All brocht in were, in twynkling of an ee,
Baith beist, and bird, and flowir before the quene,
And first the lyon, greatest of degre,
Was summon'd ther, and he, fair to be sene,
With a full hard countenance and kene,
Before dam Nature came, and did inclyne,
With visage bauld, and courage leonyne.
This awful beist was terrible of cheir,
Perfing of luke, and stout of countenance,
Right strong of corps, of fasson fair, bot (without) feir,
Lusty of shape, licht of deliverance,
Reid of his colour, as the ruby glance:
In field of gold he stude full rampantly,
With flowr-de-lyces circlet pleasantly.

A. D. 1504.
Conduct of
James.

Whatever real affection James might have for his queen, he appeared to be perfectly pleased with his marriage state; and, after his nuptial ceremonies were over, he confirmed her jointure in parliament, with the addition of the lordship of Kilmarnoc, in which she was infest by Sir Hugh Campbel of London, sheriff of Air. The rest of this year was spent in various festivities at Falkland, and the other palaces of James. The country enjoyed an uncommon state of tranquillity; and the affections of the subjects towards their sovereign were such, that James took no greater delight than in riding disguised to places where he was not known, that he might gather the real sentiments of the people concerning his government. He had the happiness which few or none of his predecessors enjoyed, that of being unmolested either by declared war, or the secret intrigues of the English; for Henry the seventh, as far as his own narrow, suspicious, disposition permitted him, behaved to James, in all respects, as an affectionate parent.

1505.
Presents to
James by
the pope.

In the beginning of the year 1505, the happiness of James, in his married state, was completed by the arrival of the pope's ratification of his marriage-treaty, and of the other negotiations he had concluded with England. Tho' it does not fall within this history minutely to recount the transactions of Europe during the reign of James, yet it is proper to mention, that

that his friendship was courted by all foreign powers; and the haughty pope Julius the second thought him of so much consequence, that he sent him, by the hands of Anthony de Inciatis his nuncio, a cap of maintenance, with a most elegant sword of state, five feet in length, the handle and pommel of silver overgilt, the scabbard being of most curious work. This sword was deposited in the castle of Edinburgh with the other regalia on the twenty-sixth of March 1707, at the time of the Union, in a most solemn manner; and there (if I mistake not) they still remain. About the same time, Sir George Dundas, who was himself a Scotchman, and a knight of the order of Rhodes, afterwards of Malta, arrived as ambassador from his grand master, to congratulate James upon his marriage. In reality, the true business of both embassies seems to have been to have engaged James in the affairs of the continent, and to have procured from him a contribution against the infidels. His holiness, at the same time he sent James the sword of state, bestowed upon him (if we are to believe Abercromby, and other Roman-Catholic writers) the title of Most Christian and Defender of the Faith.

Henry the seventh, equally sordid and bloody, was, about this time, under dreadful apprehensions from the few remains of the house of York. He was now a widower; and the earl of Suffolk, the son of Elizabeth Plantagenet,

Affairs of
England.

A.D. 1505. sister to Edward the fourth and Richard the third, was considered as being the head of that house. He was a hot, inconsiderate, man, and therefore the more likely to be guilty of a rash attempt. Henry wanted only a specious pretext to have put him to death, and the earl's imprudence had furnished him with several; but he escaped abroad, where he solicited foreign princes to invade England. Among those, the most forward who engaged in his cause was Charles duke of Gueldres, the near relation and ally of James. This prince was the son and successor of Adolph duke of Gueldres, brother to Mary queen of Scots, wife to James the second. During the troubles that happened in Scotland in the late reign, he had dispossessed his father, duke Arnold, of his territories, and imprisoned him; but the old man was relieved by Charles duke of Burgundy, who carried Adolph prisoner to his own dominions. Arnold, in gratitude to his benefactor, made over to him Gueldres and Juliers, with the county of Zutphen. On the duke of Burgundy's death, the Ghentois, in 1477, freed Adolph from his imprisonment; and not thinking himself obliged by his father's extravagant donation, he re-entered into possession of his estates, which he left to his son, duke Charles. The overgrown houses of Austria and Burgundy, insisting upon the validity of the deed which had been executed by his grandfather,

those of
Gueldres.

father, waged against him a cruel and unequal war, in which he behaved himself with incredible courage and intrepidity. James took a particular interest in the fortune of his brave kinsman. He supplied him with men and money; he entered into a literary correspondence with him; and wrote in his favour to the emperor, the kings of the Romans, France, and Castile, and other continental powers. His letters, which are still extant in Latin, are so far superior, with regard to elegance and purity, to the answers returned to them, that polite literature seems, at this time, to have taken refuge in the court of Scotland.

Henry knew the great obligations which the duke of Gueldres was under to James, and applied to him to procure the dismissal of the earl of Suffolk out of his territories. James sent orders to Patric Haliburton, his minister at the duke's court, for that purpose, and the duke had promised not to receive the earl of Suffolk into his dominions; but through compassion, or some other motive, he broke his word, and openly entertained the earl at his court. This breach of promise drew from James a very severe letter to the duke, in which he threatened to withdraw from him all marks of friendship and bounty, unless he dismissed his guest. The truth is, Henry's cruelty towards the house of York had occasioned a dangerous correspondence between the earl of Suffolk

A.D. 1505. Suffolk and some great men in England, who were apprehended, and some of them put to death by Henry, upon the information of a trusty spy, one Curson, whom he had planted about the earl's person; and it was about this time that the duke of Gueldres received James's letter. As the duke's chief dependence was upon the supplies he received from Scotland, he immediately ordered the earl to leave his dominions, which he accordingly did, and threw himself under the protection of the house of Austria. The war still continued between the king of Castile, as duke of Burgundy, and the duke of Gueldres; and Henry had actually given a promise of assistance to the king, probably without reflecting that his son-in-law, James, would succeed to the duchy of Gueldres, failing the queen of Sicily and the duke's issue.

James, hearing of Henry's unadvised promise, and understanding that the duke of Gueldres had sent the earl of Suffolk out of his dominions, interposed with great spirit in behalf of his kinsman. He wrote to Henry a letter, the original of which is still extant, representing, "That, by an article of the late treaty, he might send auxiliary forces to the assistance of the duke, who was expressly comprehended in it; that if the Scots and English should meet in the Low-Country, with their swords in their hands, it would be no easy task to keep

keep them from using reprisals at home; that, by consequence, the peate must be broken; and, adds he, my most illustrious and dearest father considered as an enemy." This letter had the desired effect; and Henry made an apology to the king of Castile for not fulfilling his engagements. James, about the same time, dispatched Foreman dean of Glasgow, and the lord Lyon, to inform the duke of Gueldres of what had passed, and to engage the interposition of the king of France, and the emperor Maximilian, in favour of his kinsman.

Henry, who had a great opinion of his own parts, having lately succeeded in an interview with the king of Castile, who had been driven upon the English coast, by which he secured and imprisoned the person of the earl of Suffolk, was solicitous of a like interview with James, to settle the affairs of Ireland, and for other purposes. James was by no means backward to embrace the proposal; but, though it never took place, it is necessary to recount the incident which occasioned it. The public is, perhaps, acquainted with the true history of no country less than that of Ireland. I have often hinted at the great intercourse between the Scots and the northern Irish. The latter appear, at this time, though nominally subjects to England, to have been in a state of real independency. All the accounts we have of that country terminate in the transactions within

and of
Ireland.

A. D. 1505. within the English pale, and the bickerings between the lieutenants and the great Irish chieftains; but we are in the dark as to their northern affairs. Abercromby is of opinion, that the colonists there owned the kings of Scotland as their superiors. It is certain that one Odon Odongneil (or some name similar to that) had entered into a league, offensive and defensive, either with James or his father; and that upon Odon's father's death, he sent one Æneas Macdowal (whose original probably was Scotch) from the town of Drumangeil, to notify to James the death of his ally, and to require from him, by virtue of the alliance between them, four thousand men, to be commanded by John, the son of Alexander Mackean. He also desired that the king would give orders to his subjects in Clandompnail not to molest him, or those who adhered to him; and that he would not go out of his own kingdom to meet with his father-in-law, the king of England.

This negotiation, while it is a proof of the Irish chieftain's gross ignorance, is an evidence that the inhabitants of a certain district in Ireland considered themselves as Scots, and the subjects of James. The answer he returned was not such as might have been expected to so impertinent a message; which makes me suspect, that the kings of Scotland sometimes made alliances with those chieftains, in the same manner,

A. D. 1505.

manner, and for the like purposes, as the kings of England did with the earls of Ross. James told the Irishman that he was willing to send the supplies demanded, provided he could be satisfied as to the justice of the cause in which they were to be employed. He added, that as for the interview between him and his father, the intention of it was so pious and holy, that he could not easily be diverted from it; but that in the mean time he would give his subjects orders not to molest Odon, and that he would endeavour to persuade the king of England not to attempt any thing against him.

James began now to make a great figure in the affairs of Europe, particularly those of the North; but historians have been unpardonably silent with regard to particulars, which are extracted from his own letters. The magnificence of his court and embassies, his liberality to strangers and to learned men, his costly edifices, and, above all, the large sums he laid out in ship-building, had now brought him into some difficulties; and he so far attended to the advice and example of his father-in-law, that he supplied his necessities by reviving dormant penal laws, particularly with regard to wardships and old titles of estates, by which he raised large sums. Though he did this without assembling his parliament, yet he found agents who justified those proceedings, in the same manner as Empson and Dudley did those

James
makes a
figure in
Europe.

A.D. 1505. of Henry, under the sanction of law. Though I do not find that those oppressive measures were attended with any rebellious risings, or that any remonstrances were made to James on that head, yet he had the virtue to be touched with the silent sufferings of his subjects, and ordered all prosecutions to be stopped. He even went farther; for, sensible of the detestation into which his father-in-law's avarice had brought himself and his administration, he ordered the ministers who had advised him to those shameful courses to be imprisoned; and some of them, who probably had exceeded their commission, actually died in their confinement.

1506.
He builds
ships.

About this time, James applied himself, with incredible assiduity, to building ships, one of which, the St. Michael, is supposed to have been the largest then in the world. A most curious account of her construction and dimensions may be found in the notes *. He worked

* " In this same year, the king of Scotland bigged a great ship, called the Great Michael, which was the greatest ship, and of most strength, that ever sailed in England or France. For this ship was of so great stature, and took so much timber, that, except Falkland, she wasted all the woods in Fife, which was oak-wood, by all timber that was gotten out of Norway: for she was so strong, and of so great length and breadth (all the wrights of Scotland, yea, and many other strangers, were at her device, by the king's commandment, who wrought very busily in her; but it was a year and day ere she was complete) to wit, she was twelvescore foot of length, and thirty-six foot within the sides. She was ten foot thick in the wall, outted jests of oak in her wall, and boards on every side, so stark and so thick, that no cannon could go through her. This great ship cumbered Scotland

with his own hands in building it; and it is plain, from his conduct, that he was aspiring to be a maritime power, in which he was encouraged by the excellent seamen which Scotland then produced. The first essay of his arms by sea, was in favour of his kinsman, John king of Denmark. This prince was brother to Margaret queen of Scotland, and had partly been called to the throne of Sweden, and partly possessed it by force. He was opposed by the administrator, Sture, whom he pardoned after he was crowned; but Sture renewing his rebellion, and the Norwegians revolting at the same time, John found himself under such

A. D. 1506.

land to get her to the sea. From that time that she was a-float, and her masts and sails complete, with tows and anchors effecting thereto, she was counted to the king to be thirty thousand pounds of expences, by her artillery, which was very great and costly to the king, by all the rest of her orders; to wit, she bare many cannons, six on every side, with three great bassils, two behind in her dock, and one before, with three hundred shot of small artillery, that is to say, myand and battert-falcon, and quarter-falcon, slings, pestilent serpetens, and double-dogs, with hagtor and culvering, cors-bows and hand-bows. She had three hundred mariners to sail her; she had sixscore of gunners to use her artillery; and had a thousand men of war, by her captain, shippers, and quarter-masters.

“When this ship past to the sea, and was lying in the road, the king gart shoot a cannon at her, to essay her if she was wight; but I heard say, it deared her not, and did her little skaith. And if any man believe that this description of the ship be not of verity, as we have written, let him pass to the gate of Tillibardin, and there, afore the same, ye will see the length and breadth of her, planted with hawthorn by the wright that helped to make her. As for other properties of her, Sir Andrew Wood is my author, who was quarter-master of her; and Robert Bartyne, who was master-shipper.” *Lindsay of Pittcotty.*

A. D. 1506. difficulties, that he was forced to return to Denmark; but he left his queen in possession of the castle of Stockholm, which she bravely defended against Sture and the Swedes. This heroic princess became a great favourite with James; and several letters that passed between them are still extant. The king of Denmark, next to the French monarch, was the favourite ally of James, who, early in his reign, had compromised some differences between them. It likewise appears, from the histories of the North, that both James and his father had given great assistance to his Danish majesty in reducing the Norwegians; and he resolved to become a party in the war against the Swedes and the Lubeckers, who assisted them, if the former continued in their revolt. Previous to this, he sent an ambassador to offer his mediation between John and his subjects. The mediation was accordingly accepted of, and the negotiations were opened at Calmar. The deputies of Sweden not attending, John prevailed with those of Denmark and Norway to pronounce sentence of forfeiture against Sture and all his adherents. In the mean time, the siege of the castle of Stockholm was so warmly pressed, that the garrison was diminished to a handful, and those destitute of all kind of provisions; so that the brave queen was forced to capitulate, and to surrender up the fortress, on condition of her being suffered to depart for Denmark;

mark; but the capitulation was perfidiously broken by Sture, and she was confined in a monastery. A. D. 1506.

It was on this occasion that James resolved to employ his maritime power. Hollinshed pretends, that John came to Scotland, and solicited his cause in his own person; but the truth of this does not appear from any Scotch historian. All we know is, that James wrote a letter, conceived in the strongest terms, to the archbishop of Upsal, the primate of Sweden, exhorting him to employ all his authority in favour of the king. He wrote another letter to the Lubeckers, threatening to declare war against them, as well as the Swedes, if they jointly continued to assist his uncle's rebels. According to Hollinshed, James, in consequence of king John's application, gave the command of an army of ten thousand men to the earl of Arran, who replaced John upon his throne. Though this does not strictly appear to be truth, yet it is certain that, had it not been for James, John must have sunk under the weight of his enemies. Sture, whose arms had made a great progress, hearing that a considerable armament was fitting out in Scotland, and knowing that James had prevailed with the French king to assist John likewise, agreed to release the queen, and to wait upon her to the frontiers of Denmark, where he died. By this time, James's

arma-

He assists
the king of
Denmark.

A. D. 1506. armament, which was commanded by the earl of Arran, had set sail; but perceiving that all matters were adjusted between John and the Swedes, the ships returned sooner than James expected, “ which (says he, in a very polite letter he wrote to the queen upon the occasion) they durst not have done, had they not brought him an account that her Danish majesty was in perfect health and safety.” The severity of John having occasioned a fresh revolt, James again sent a squadron to his assistance, which appeared before Stockholm, and obliged the Lubeckers to conclude a new treaty.

1507.
James
chastises the
Nether-
landers.

James, having thus honourably discharged his engagements with his uncle the king of Denmark, turned his attention towards the Flemings and Hollanders, who had insulted his flag, on account of the assistance he had afforded the duke of Gueldres, as well as from motives of rapaciousness which distinguished those traders, who are said not only to have plundered the Scotch ships, but to have thrown their crews overboard to conceal their villainy. James gave the command of a squadron to Barton (probably the same officer whom I have already mentioned) who put to sea, and, without any ceremony, treated all the Dutch and Flemish traders who fell into his hands, as pirates, and sent their heads in hogheads to James. Soon after, Barton returned to Scotland,

land, and brought with him a number of rich prizes, which rendered his reputation as a seaman famous all over Europe. A. D. 1507.

James was then so much respected upon the continent, that we know of no resentment shewn either by the court of Spain, whose subjects those Netherlanders were, or any other power in Europe, for this vigorous proceeding. But it is now proper that I should attend to the affairs of the continent, without which those of Scotland cannot be understood. Affairs of
the conti-
nent. Lewis the twelfth was then king of France; and having no son, his daughter Claude became heiress of Brittany in her mother's right. The emperor Maximilian courted her for his grandson, Charles of Luxemburgh, afterwards the famous emperor Charles the fifth, who was then no more than four years of age; and a kind of compromise was made between Maximilian and Lewis, that the latter should give his daughter to Charles, and Maximilian give the investiture of the Milanese to Lewis. This agreement was broke by the arts of Ferdinand king of Spain, who was grandfather to Charles by the mother's side; and, after outwitting Lewis, he drove the French out of Naples. The difference that afterwards succeeded between Ferdinand and his son-in-law, Philip archduke of Austria, gave Henry a handle to take part with Ferdinand, who agreed to Henry prince of Wales (afterwards Henry the eighth)

A. D. 1507. eighth) marrying his daughter Catharine, the relict of prince Arthur, young Henry's elder brother. While those intrigues were throwing all Europe into confusion, Lewis the twelfth gave his daughter in marriage to the earl of Angoulesme; and Philip archduke of Austria, not being able to resent this gross affront done to his family, laid it so much to heart, that it is said to have occasioned his death, by which, and his wife's lunacy, Ferdinand became guardian to his grandson, Charles, and all his dominions.

- Such was the state of affairs upon the continent, when pope Julius the second resumed his plan for driving both the French and the Spaniards out of Italy. For this purpose, he threw his eyes upon England and Scotland, the only powers who could give the most effectual diversion to the arms of France. The same nuncio who had presented James with his magnificent cap and sword, was employed to detach him from his alliance with Lewis; and, to give him an high idea of the pope's pious intentions, he informed James of a plan he had laid down for reconciling the Eastern and the Western churches; and of an embassy he was about to send to Russia for effecting it. James commended the pious zeal of his holiness; but, though he was far from being void of superstition, he carefully declined giving him any encouragement to believe that he would

would fall in with the pope's views against France. The nuncio continuing his applications with great earnestness, James, to put an end to all his hopes, publicly caressed the French ambassador at his court, and appointed the postulate bishop of Ross to go as his ambassador to that of France, to thank that king for the friendship he had, upon his request, shewn to the duke of Gueldres. He assured him, at the same time, that he had four thousand men in readiness to assist him in preserving his Italian dominions; that they were to be commanded by the earl of Arran, his cousin-german; and, such was his regard for Lewis, that he had appointed so near a relation to that service. In the mean time, the bishop of Ross took his departure for the French court; but Lewis having regained possession of Genoa, where the Scotch auxiliaries were to land, they never embarked: and thus James rivetted himself in the good opinion of his ally, without much expence to himself or his subjects.

But though James was no slave to the pope's court, he seems to have been infatuated with the Romish religion. All the gaiety in which he lived could not cure the melancholy he had contracted for heading the rebels who had murdered his father; and he had sometimes extraordinary starts of devotion. His queen had, by this time, made him the father of a

VOL. IV. T t young

1508.
Superstition
of James

A.D. 1568. young prince, who did not long survive his birth; and the imminent danger of the queen, during her delivery, made James undertake a pilgrimage to St. Ninian's in Galloway, which was then much resorted to by the superstitious, both of England and Ireland, as well as of Scotland. Upon his return, he found his queen recovered; and then he applied himself more seriously than ever to the affairs of government. He made progresses in person through his kingdom; he presided at trials for notorious offences; and he ordered the laird (as an owner of an estate in Scotland is called) of Thornton, a person of great consideration, to be beheaded at Edinburgh for the murder of his wife. He was particularly attentive to the redress of public grievances, and indefatigable in discovering them. A fresh fit of devotion seized him; and both he and his queen performed a new pilgrimage to St. Ninian. Not satisfied with this, James, upon his return, finding his dominions in perfect tranquillity, paid a visit to the shrine of St. Duthac in Ross-shire. The circumstances attending this pilgrimage were pretty extraordinary. He set out from ^{Edinb.}Stirling on the thirtieth of August, without any attendant, and travelling by Perth and Aberdeen, he reached Elgin the same night; so that he must have rode about an hundred and thirty miles in one day. This expedition, and his simple manner of travelling, inclines me to believe

believe that the journey was not undertaken merely upon motives of devotion. When he arrived at Elgin, he chose to lodge in the parson's house, and slept all night upon a plain board table. Next day, in the forenoon, he reached St. Duthac's church, where he performed his devotions. Upon his return to court, he resumed all the magnificence of his living; exhibited martial sports, in which he appeared sometimes under his character of the savage knight, and sometimes under that of king Arthur; while his nobility acted the parts of knights of the round table. The better to keep up the spirit of those pompous entertainments, James employed all his credit with the powers of the continent for procuring breeds of fine horses. His letters to the kings of Spain and Poland, desiring they would permit his agents to buy up horses in their respective dominions, are still extant. His cousin, the lord of Campvere, or Tervere, was particularly indulgent to James in this respect; for he sent him many of the large breeds of mares, for which Flanders is famous. Even Henry the seventh, plain and penurious as he was, was lavish in his presents of fine horses and their accoutrements, which he sent to James, who gave a noble reward to the person who delivered them. James, on the other hand, was not wanting in obliging foreign princes with specimens of Scotland's animal product. That

A. D. 1508.

His foreign
correspondences.

A.D. 1508. country was then famous for a species of strong, hardy, sure-footed, but small, horses (which, from the country where they chiefly abounded, were called Galloways) and for a kind of hunting dogs of peculiar properties. Both these animals were in great estimation with the neighbouring princes; but it is certain that animals may degenerate, or change their qualities, when they change their soil; the breed of great horses soon wore out in Scotland, and the breeds of Scotch dogs and Galloways lost their virtues abroad.

1509.
Accession
of Henry
the eighth
to the
throne of
England.

Upon the death of Henry the seventh, which happened in April 1509, his son, Henry the eighth, with every advantage of youth, person, and fortune, succeeded to the throne of England; but, fatally for Scotland, his dispositions were different from those of his father. The attention which the latter had given to the person of James, and the tranquillity of his government, was wonderful, especially when we consider how apt, upon every occasion, James was to betray his predilection for the French. It is, however, no more than doing justice to Henry the eighth to say, that, when he mounted the throne, he discovered no dispositions to break with James; and he manifested, during all his reign, an uncommon degree of affection for his sister and her family. Henry the eighth had not, indeed, the same reasons as his father had to wish to live in peace with
Scot-

Scotland,* because the houses of York and Lancaster were united in his person, and, at the time of his accession, he had more ready money than perhaps half the other princes of Europe; but still, he even seemed cautious of giving James a shadow of offence. Among the first acts of his government was his ratifying and confirming the perpetual peace that had been concluded between the two nations. The bishop of Murray, whom James had sent as his embassador to congratulate Henry upon his accession, swore, in his master's name, to a strict observance of the same; and, before the end of the year, both kings took the like oath. Soon after, Henry renewed the truce that had been made between his father and the king of France, which was to continue one year longer than the life of the last liver, and Scotland was expressly comprehended in it, as the ally of both parties; but a breach between Henry and James, which was never afterwards thoroughly or sincerely made up, happened on the following occasion:

About thirty years before, one John Barton (a relation, I suppose, to the famous Barton) commanded a trading vessel, which was taken by two Portuguese sea-captains in the port of Brussels; and the captain, with several Scotchmen, were killed in endeavouring to defend their property. The action was esteemed cowardly as well as piratical, because it was done under

Barton interrupts the English navigation.

A.D. 1509. under the protection of a large Portuguese squadron. The ship and the remaining part of the crew, with the cargo, were carried to Portugal, from whence no redress could be obtained; and James the third granted letters of marque to John and Robert Barton, heirs to the Barton who had been murdered. Whether the Bartons might not exceed their commission, in their endeavours, to revenge their father's death, and to make reprisals, is hard to say; but upon the accession of James the fourth to the crown of Scotland, the letters of marque were recalled, and a friendly correspondence was entered into between James and his Portuguese majesty. No redress, however, was to be had from the latter; and Robert Barton being made a prisoner, and his ship a prize, he was detained in Zealand till James procured his deliverance, by applying in his favour to the emperor Maximilian. Sir Andrew Barton took part in the quarrel; and having obtained a like letter of marque, he made dreadful depredations on the Portuguese trade, and, according to English authors, he plundered many English ships, on pretence of their carrying Portuguese property. In short, he is said to have rendered the navigation of the Narrow Seas dangerous to Englishmen; and, to say the truth, I am inclined to think that his proceedings were not quite regular.

The court of London received daily complaints of Barton's depredations; but Henry, being at this time very averse to quarrel with James, the complainants were heard with great coldness at his council-board. The earl of Surry had then two sons, gallant noblemen; and he declared to Henry's face, that while he had an estate that could furnish out a ship, or a son who was capable of commanding one, the Narrow Seas should not be infested. Henry could not discourage this generous offer; and letters of marque were accordingly granted to the two young noblemen, Sir Thomas and Sir Edward Howard. As this was an uncommon effort of public spirit, and as I do not perceive that either of the noble commanders had been bred to the sea, there is some reason for suspecting that self-interest might mingle with the earl's patriotism. The prizes that Barton had taken had rendered his ships immensely rich, consequently they were heavy laden, and unfit for fighting; while we may easily suppose, that the ships of the Howards were clean, and of a superior force in every respect, to those of Barton. After encountering a great deal of foul weather, Sir Thomas Howard came up with the Lyon, which was commanded by Sir Andrew Barton in person; and Sir Edward fell in with the Unicorn, Barton's other ship. The event was such as might be expected from the inequality of the match.

A. D. 1510.
He is
killed.

A.D. 1510.

match. Sir Andrew Barton was killed while he was animating, with his whistle, his men to hold out to the last; and both the Scotch ships being taken, were carried in triumph to London with their crews prisoners. Bishop Lesley, in his History of Scotland, pretends, that the two English commanders made signals of friendship, and in fact betrayed Barton to come within their guns. He adds, that Sir Andrew was not killed in the engagement, but died of his wounds at London. Those variations, supposing them to be true, are of very little consequence; and I have given the English account, because it seems to be best authenticated.

1511.
His death
repented by
James.

Without entering upon any defence of Barton's conduct, I cannot think that of Henry to have been quite defensible, unless it could be proved (which I believe is not attempted to be done) that he had complained regularly to James, and could receive no satisfaction. It may be proper to observe, that the action against Barton laid the foundation of Sir Edward Howard's fortune; for, in the April following, he was constituted admiral of England, and all Henry's French dominions. James could never forgive Henry for the loss of his brave officer. He sent to demand satisfaction; but all the answer he received was, that Barton and his crews were lawless pirates, and that what had been done against them
ought

ought never to have been resented amongst sovereign princes. This answer seems to have come from the council, rather than the king, of England. It certainly was vague and unsatisfactory; and James treated it as such. He asserted, that Barton was no pirate, because he bore his commission; and that he ought to have been convicted of piratical acts, before he was treated as being guilty of them. That Henry thought the conduct of the Howards indefensible, appears pretty plain from his giving orders that all the Scotch crews should be released from their confinement in the archbishop of York's palace, and sent home. He intimated to James, at the same time, that he was willing to accommodate the affair by way of negotiation. James thought himself affronted by the proposal. If Barton and his men who were killed were pirates, the surviving part of his crews were undoubtedly the same; and, had they been guilty, Henry had a ready way of vindicating himself to James, and all the powers of Europe, by trying them in his own courts of admiralty. He was, however, not a little influenced by the state of affairs in Europe.

The Venetian republic had become obnoxious to the pope, the French king, and other great potentates. The French then held the Milanese, upon which Maximilian had an eye, but was defeated in his expectations. He had been

Affairs of
Europe.

A. D. 1511.

refused a passage through their territories to attack the French; and Lewis hated the republic for their acquisitions in the Milanese, as the pope did for those made from the holy see. It would carry me to too great a length of narrative, should I enter into all the claims which the other powers of Europe had upon that haughty republic. It is sufficient to say, that a congress was held at Cambray, on pretence of regulating some differences between the duke of Gueldres and young Charles of Luxemburgh, and between the latter and the French king; but the true intention of all parties was to unite in a common league against the Venetians. It was agreed, that the emperor, with the kings of France and Spain, should fall upon the Venetians at once, which they accordingly did, and soon stripped them of all they held upon the continent; so that they were reduced to their original dominion in the sea. The French king acquired great glory by being at the head of this league, and by giving a signal defeat to the Venetians. The pope, who had regained all he sought, and the king of Arragon were alarmed at his greatness; and Lewis soon discovered that they were forming intrigues for driving him out of Italy. As Lewis found that Maximilian was a poor and unprofitable ally, he resolved to stand upon his own feet; and, instead of farther weakening the Venetians, or of attacking them

A. D. 1512.

them in their city, he dismissed his army, and retired to the Milanese, of which he had lately got the investiture from Maximilian, who still continued to be at war with the Venetians, and offered to encrease Lewis's Italian dominions, if he would recommence hostilities against that republic. The pope, whose real design was to drive all barbarians (for so he called the French, Germans, and Spaniards) out of Italy, now altered his plan; and, as he had nothing more to expect, he released the Venetians from the sentence of excommunication under which they had lain ever since the league of Cambray.

Lewis, sensible that the pope's conduct was a prelude to a terrible storm which must fall upon his dominions, would gladly have engaged Henry the eighth in his interest; and actually concluded a treaty with him, in which the king of Scotland was comprehended as an ally on both sides. To break the force of this treaty, which was chiefly commercial, and to prevent any farther engagements between Henry and Lewis, the pope spared nothing that could flatter Henry's vanity, of which he was naturally susceptible. He sent him a consecrated rose, and other sacred trinkets. He put him in mind that he had now the balance of power in his hands; that the holy church depended upon him for protection; that he was born to be the defender of the Christian faith,

A. D. 1511. and to break the chains which France was forging for Europe. Henry could not resist the force of this adulation ; and soon entered upon a treaty, offensive and defensive, with Ferdinand, in direct contradiction to his engagements with France. Maximilian and Lewis united once more against the Venetians, who were now the pope's allies. His holiness had the address to detach the Swiss from the French king ; and Bambridge archbishop of York, who was Henry's ambassador at Rome, persuaded his thoughtless master that the pope was ready to lay Lewis and his dominions under an excommunication, the effect of which, if Henry joined the pope, would be his re-annexing to his crown all the dominions which the kings of England had formerly held in France. Henry seemed to believe those flattering promises ; and the pope, by artfully playing the rest of the powers against each other, became more intractable than ever, by thinking himself secure of Henry's friendship. Lewis offered his holiness great concessions, but all to no purpose ; and, at last, Lewis and Maximilian formed a scheme for either obliging the pope to comply with reason, or to dethrone him, by calling a general council in virtue of a decree of the council of Basil. The king of Spain, who was likewise jealous of France, was a useful ally to his holiness on this occasion ; but his chief dependence continued to be upon Henry, as he

he was the only prince in Europe who had A.D. 1511. money enough to over-bid Lewis in the purchase of the needy emperor Maximilian's friendship. At last, Henry secretly resolved to join his holiness, and took his measures accordingly.

Lewis was no stranger to Henry's intentions, and redoubled his efforts to prevail upon James to give him a powerful diversion, by an invasion of England, if he should put himself at the head of the league against France. The ears of James and his council were but too open to his solicitations; but he was still extremely unwilling, if he possibly could avoid it, to come to an open rupture with his holiness. Lewis had indicted a meeting of prelates, which he called a general council, at Pisa, in which measure he had been joined by Maximilian. The war broke out afresh, and the French defeated the united armies of the pope and king of Spain. Lewis was now old, and afraid to push his good fortune against his holiness all the length he might have carried it. He therefore dismissed part of his army, and marched with the rest into the Milanese. James thought that this was a favourable opportunity to reconcile his two good friends, the pope and the French king, with each other. For this purpose, he commissioned Forman bishop of Murray to manage the negotiation. This prelate was bishop of Bourges in France; and Lewis had found him of great
use

A.D. 1511. use to him in his negotiations with James. The council of Pisa was still sitting, and, by the interest of Lewis, had not only summoned the pope to appear before them, but had, in fact, endeavoured to depose him from his authority. This incautious proceeding united the pope's allies more firmly than ever against Lewis; but still Henry denied, by his ambassador at the court of France, that he had entered into any engagements to the prejudice of that king. The latter had a spy who was in the pope's service at London, and secretly informed him of all transactions between Henry, the pope, and the king of Spain; so that Lewis was not to be imposed upon, and faithfully acquainted James with all the clandestine engagements that had been entered into by his enemies.

Mediation
of James.

This did not divert James from ordering the bishop of Murray to continue his negotiation for reconciling the pope and Lewis. The prelate had been very instrumental in disposing Lewis to an accommodation; but he found his holiness rife in his demands. He gave Forman a most favourable reception, as ambassador from the king of Scotland; but, though he was then in a paroxysm of the gout, he commanded that prelate to inform Lewis, that he was resolved to renew the war, if he did not abandon the interest of the duke of Ferrara, and give up all the advantages he had gained
over

over the holy see. This answer put James under fresh difficulties. Henry, immediately after the affair of Barton, had sent Dr. West, and some other ministers, with a commission to make up all differences with James, and to confirm the peace between the two nations. James declined to enter into any fresh engagements, as not having received the satisfaction he had demanded for Barton's death; but he found himself in no disposition to take any part in the war which was ready to break out. Unwilling to violate either his family-engagements with France, or the duty he owed to his holiness, he steered a middle course. He disowned the council of Pisa, as being schismatical; he promised to grant his holiness a subsidy; but, at the same time, he gave orders for his ambassador at Rome to renew the ancient league between France and Scotland. In this renewal and ratification, which was executed on the tenth of July at Edinburgh by James, and on the twelfth of September at Blois by Lewis, they refer to all former treaties, particularly to that concluded between Philip le Bel and Robert Bruce; and all the material clauses contained in former treaties, are expressly mentioned in this, with this remarkable difference, "That whereas before, the kings of Scotland and France were only obliged to assist one another in opposition to the English, or such others as should offer to in-

Treaty with
France.

vert

A. D. 1511. vert the hereditary right of succession to their respective crowns, they become now bound to aid and assist one another, and even in person, if occasion should require it, against all who may live and die; that is, the king of Scotland, rather than that his allies, the king of France and duke of Gueldres, should perish, undertook, in conjunction with them, to make war against the pope and all Italy; the emperor and all Germany; the king of England and his formidable dominions of England and Ireland; the king of Arragon and all Spain; the governors of the Netherlands and all Holland, Brabant, Flanders, the state of Venice, and cantons of Switzerland."

A breach
with Eng-
land.

This treaty was kept for some time secret, because James was not yet out of hopes of Forman's succeeding in his negotiation, and of bringing Henry off from his connections with the pope. The latter, on the other hand, was confident that he would be able to prevail upon James to accede to the league which had been formed for the defence of the holy see. He wrote letters, which are still extant, complaining, that he was the only Christian prince who, by quarrelling with his brother-in-law, Henry, had prevented him from acting openly and vigorously in asserting the rights of the holy see. James, in consequence of the plan he had laid down, permitted a synod of his clergy to be held at the Black Friars in Edinburgh,

burgh, in presence of the pope's nuncio. There A. D. 1512
the tax of Bajamont (so called from a nuncio of that name, who, in 1275, settled the tax to be paid by the clergy) was renewed and confirmed; that is, all benefices of valuation above forty pounds sterling a year, were to pay a certain sum to the pope, and as much as the king's necessities required. This taxation, however, could not be imposed or levied without the king's consent, because, without that, the clergy could not meet; nor had any national council been held in Scotland since the year 1487. That it met now, was owing to the attachment of James to the holy see, and the great desire he had to reconcile the pope to the French king. Henry saw with deep concern the part which James was likely to act in the impending war; and sent two ambassadors, the lord Dacres and Dr. West, to him, to endeavour, if possible, to break off his connections with France. They offered, in their master's name, to give him all the satisfaction he could require for Barton's death, and the capture of his ships; to withdraw the English troops who, according to the treaty, had been sent to act against the duke of Gueldres; and even to accept of his mediation for concluding a peace with France.

James seemed to listen to those proposals, when, in an evil hour for him, La Motte, a French ambassador, arrived at his court. He

A.D. 1512. was an active, plausible, intriguing minister; and he brought with him undoubted evidences of an English fleet having already sailed upon an expedition against France, and that the intention of Henry was only to amuse James till his armament should arrive at its place of destination. James, at that time, had a considerable fleet ready, of which three were capital ships, the Michael, Margaret, and James, and not to be matched in all Europe. He was exasperated to the last degree at the duplicity (as he imagined it) of Henry, and winked at his borderers renewing their hostilities against England. He likewise gave Robert Barton, the brother of him who had been killed, letters of reprisal, and sent him, with several stout ships, to the English coast, from whence they returned, in the month of July this year, with thirteen rich prizes. The disadvantageous turn which affairs in Italy took against Lewis, who there lost all his territories, and the expedition sent against France from England, ought to have rendered James cautious. By his engagements with France, he was wantonly to enter into a war not only with his brother-in-law, but with the other great powers of Europe, without having any ally but Lewis, who was so far from being able to give him any assistance, that he could not defend his own territories. His ambassador, the bishop of Murray, was still continuing his negotiations
for

for a peace, and was perpetually making journeys between Italy and France; but though the contending powers expressed great respect for his mediation, they had already taken their measures; and, had it not been that the crafty Ferdinand employed the English troops against Navarre instead of Gascony, Lewis must have been shaken on his throne.

If we are to believe some of the Scotch historians, James was not a little affected with this state of affairs. He sent the bishop of Murray, who was then returned to Scotland, to demand of Henry a parcel of jewels, which had been bequeathed by Arthur prince of Wales to his sister, queen Margaret. Henry, in the audience he gave to the bishop, expressed the highest esteem and affection for James. He promised to send him the jewels, nay double their value, or whatever money James should please to call for, provided he (to use Henry's expression) would sit in his chair, that is, would remain an unconcerned spectator in the war between him and France. He even went so far as to intimate, that if James would restore the good understanding between the two kingdoms, he would create him duke of York, and if he went abroad as he intended, leave him regent of England. Forman having reported his negociation to James, that prince actually came to a resolution to lay aside all thoughts of a breach with England; but the famous

A fleet
sent from
Scotland.

A.D. 1512. Bernard Stuart d'Aubigni. (who had resided in Scotland for some time on the part of Lewis) by the great family-interest he had with the nobility and clergy, joined to a proper distribution of money, formed such a party in the Scotch ministry, as banished from James's court all moderate counsels. It was therefore resolved not to invade England, but to equip a fleet, and to send three or four thousand land forces on board, to the assistance of the French king. The command of those troops was given to the earl of Arran; but James Gordon of Letterfury, a son of the earl of Huntley, was admiral of the fleet. Buchanan, against the evidence of all records, says, that instead of sailing to France, the earl of Arran (who by the bye had not the command of the fleet) directed his course to Ireland, where he plundered the town of Knockfergus (Carrickfergus) and committed other hostilities. This is a gross misrepresentation of the expedition. The earl of Arran had, at that time, great reputation on account of his behaviour in Denmark; and James was so intent on the success of this enterprize, that he sailed in the St. Michael, the admiral's ship, till he had cleared the island of May in the mouth of the Forth. The forces were landed in France; and, tho' we are ignorant of the particulars, it is certain they did great service to Lewis, who settled a pension on the earl.

Not

Not satisfied with this mark of his gratitude, Lewis gave orders for ratifying and augmenting the privileges of the Scotch nation in France. This was occasioned by a complaint entered by Forman, the Scotch ambassador at the court of France, that certain of the French judicatories refused to acknowledge the Scotch rights and privileges in that kingdom. Lewis, to remove all complaints on that head, ordered letters of naturalization to be drawn up in favour of all the Scotch nation, for the following reasons: "Because of the league which had been of old made and observed (*de toute anciennete*) between the two nations; and in consideration of the great and mighty services done by the Scots to the kings and kingdom of France, especially during the reign of Charles the seventh, when many princes of Scotland came over to France, and helped to expel the English, who were then masters of the most part of it. For which signal piece of service, and the undaunted courage expressed by the Scots on all occasions, that monarch, Charles the seventh, had appointed two hundred of them to guard his person, of whom an hundred were men of arms, and are now, adds the record, the hundred lances of our ancient ordinance, and an hundred archers, twenty-four of whom are called archers of the body. Secondly, Because of the unshaken fidelity which, without any variation or interruption, has at all times been

A. D. 1513.
Gratitude
of the
French
king.

con-

A. D. 1513. conspicuous in those of that nation, and of the extraordinary good offices done by the present king of Scotland, who has declared himself a fast friend of the French monarchy, in opposition even to his own brother-in-law the king of England, and has sent both a considerable land army, and a fleet consisting of many good ships, to France: upon which account his subjects ought to be for ever encouraged and favoured above all others."

Negociations with England.

The earl of Arran, having landed his troops, and discharged his commission, set sail from France; but was obliged to put in at Carrickfergus for provisions, for which he offered ready money. The inhabitants treated him only with insults and brutality; so that he was under a kind of necessity to land some of his sailors, who plundered the town, which might give rise to Buchanan's mistake, when he says that he did it on his voyage to France. After all, the earl must have made a very short stay in France, if he did not sail till the twenty-sixth of July this year; so that I am inclined to think that he did no more than land part of his men, and return to Scotland. This is the more probable, as James appears, by this time, to have been determined upon an offensive war with England. He had, in the beginning of this year, sent the lord Drummond, Sir Robert Lawder of the Bass, and some other gentlemen, to treat with the lord Conyers and Sir

Sir Robert Drury on the part of Henry; but, A. D. 1513.
as we have already seen, both that negotiation,
and that with the lord, Dacres and Dr. West,
were defeated by French influence. The tur-
bulent pope Julius the second was now dead,
but had left James under a sentence of excom-
munication; and Henry was now involved in
a hot war, both by sea and land, with France,
being engaged in person along with the em-
peror Maximilian, who served under his ban-
ners in besieging Terouenne. Before Henry's
departure for the continent, James, to colour
his conduct with some shew of justice, had again
demanded that the slayers (as they are called)
of Barton and his men should be punished;
but all he could obtain from Henry was, that
they should appear in his courts by their attor-
neys, though no penalty was to follow if they
did not appear. James complained of this, we
think with great reason; and understanding
that Henry had left England, he drew up a
letter by way of manifesto, containing all the
causes of his complaints. He reproached Henry
for denying a safe-conduct to an embassador Hollinshed.
whom he intended to send to England; for
his trifling in the affair of Barton; and for his
having protected one Heron and his accom-
plices, who had killed a Scotch warden, be-
sides carrying away a number of his subjects
in chains to England. He complained that
part

A. D. 1513. part of his wife's fortune remained still unpaid, and of Henry having made war against the duke of Gueldres, as well as the most Christian king; besides several other provocations. In the close of this letter, he plainly requires Henry to withdraw his troops out of France, declaring, that if he did not, he would take part with Lewis. This letter was wrote the twenty-sixth of July, the very day that the Scotch fleet failed.

James
prepares
for war.

James had, by this time, received supplies of shipping, arms, ammunition, and provisions of every kind, from France and Denmark. He had a noble train of ordnance, fabricated by one Borthwic, an excellent workman *; and he had received fourteen thousand crowns in a present from Lewis. His conduct is said to have been not a little influenced by a letter and a jewel he received from the queen of France, whose champion, according to the romantic notions of those days, he professed himself to be. He had given the lord Hume orders to make reprisals upon the borders; and he had renewed his agreement with the Irish chief, O'Donnel, who had come to Edinburgh for that purpose, and who promised to make war upon the English in Ireland, as soon as he should hear that hostilities were begun by James.

* All his cannons had the following inscription:
"Machina sum Scoto, Borthwic fabricata Roberto."

Though

A. D. 1513.
His infatuation.

Though James had, for some time, been fully resolved on a rupture with England, yet he thought it highly necessary that it should have the sanction of his parliament, which he assembled for that purpose. The young nobility, besides their knowing the sentiments of James, had been won over by the French; and the majority of them, as well as of the clergy (which was pretty extraordinary, as James was, in effect, to fight against the pope and his allies) were keen for a war with England. The old counsellors, on the other hand, who saw the flourishing state of Scotland, arising from a long peace, and their commerce, which was protected by a fleet, dreaded the ruinous consequences of a war. The queen naturally headed this party; and she was joined by the earl of Angus, and the wisest part of the nobility. They remonstrated (which appears to be true from the histories of the times) that Lewis was in no danger; that the state of affairs on the continent could not warrant James's invasion of England; and that, in reality, neither Henry nor his subjects had done any thing to provoke him to come to extremities, having offered him reasonable satisfaction for all his just complaints; and that the differences still unadjusted between them were too inconsiderable to occasion even a coldness between the two courts. They added, that as the prince of Scotland was yet in his cradle, the king-

A.D. 1513. dom must be reduced to a most deplorable condition in case of a minority. All those arguments made no impression upon James. He had received a fresh present from Lewis of four ships laden with wine and flour, and two ships of war completely equipped, one of them carrying thirty-four pieces of brass ordnance. He had promised to the French queen, upon his honour, that he would take the field against the English; and she had sent him a fresh letter, gently reproaching him for want of gallantry, and for not being so good as his word. In short, the reasonings of the wisest and best part of the nobility were overruled, and the expedition against England was resolved on.

By this time, the Scotch herald, Lyon, had delivered the letter from James into Henry's hand. That prince was still besieging Teroouenne; and had no sooner read the letter, than he declared in a passion to the herald, that he would return at his own pleasure, and not at his master's summons. The herald refused to carry such a verbal answer, and required one in writing. Henry, upon this, assembled his council, to deliberate on the answer he should return. After some debate, the herald was again called in; and Henry told him, with great heat, that his master, the king of Scotland, had basely broken his faith and honour; and that had he (Henry) been at home, he

he durst not have acted as he did. He then renounced all friendship and alliance with James; and concluded by saying, that he had left behind him a nobleman who would not suffer his subjects to be insulted. The herald again refused to repeat such a message to his master, and insisted upon a letter. One was accordingly drawn up in very severe terms, accusing James of a breach of faith, and of never having declared that he would invade his dominions in favour of the French king, till Henry had left England. He put him in mind, that his partiality for Lewis had drawn down upon him the severest censures of the church. He set before his eyes the example of the king of Navarre, who, for the same reason, was then a king without dominions; and intimated that the French king did nothing to relieve him in his distress, thereby insinuating, that James might very soon be in the same condition. He positively denied that he had ever refused a safe-conduct to a Scotch ambassador, and said, that the herald who told him so had made a sinister report contrary to truth. He concluded with an absolute refusal of desisting from his expedition at the requisition of James; and threatening him with reprisals if he should presume to invade his dominions. This letter was dated the twelfth of August; but the herald on his return, having missed of his passage from Flanders to Scotland,

Letter of
Henry to
James.

A.D. 1573. land, never had an opportunity of delivering it into his master's hands; tho' it has been published from the English records by Hollinshed and Rymer.

Invasion of
England.

The earl of Hume, who was chamberlain of Scotland, was, at this juncture, at the head of seven or eight thousand men, with whom he committed prodigious devastations on the English borders. Henry's queen, Catharine of Spain, whom he had left regent of his dominions, issued a commission of array, directed to Sir Thomas Lovel, knight of the garter, for assembling the militia of the counties of Nottingham, Derby, Warwic, Leiceſter, Stafford, Rutland, Northampton, and Lincoln. The management of the war, however, was chiefly committed to the earl of Surry, who assembled the militia of Cheſter, Lancaſter, Northumberland, Weſtmoreland, Cumberland, and the biſhopric of Durham. The earl of Hume had, by this time, laid great part of Northumberland waſte; and his men were returning home laden with booty. The earl of Surry, reſolving to intercept them, ordered Sir William Bulmer to form an ambuſh, with a thouſand archers, at a place called Broomhouſe, extremely convenient for that purpoſe, by which the Scots muſt paſs. As the latter expected nothing of that kind, Bulmer executed his orders with great ſucceſs. The archers aſſaulted the Scots all at once, and made ſo good uſe of their
arrows,

A.D. 1513.

arrows, that their main body was put to flight, five hundred were killed, and four hundred taken, with the lord Hume's standard, which he left on the field of battle; the greatest part of the plunder being recovered at the same time. The commonalty of Scotland termed this expedition of the lord Hume's the Ill-road.

James was more exasperated than ever by this defeat, and continued his preparations for invading England with additional vigour. His queen did all that became a wife and prudent wife to divert him from his fatal purpose. She endeavoured to work upon his superstition, by recounting to him her ominous dreams, and her boding apprehensions. James treating these as mere illusions and fictions of the brain, "Sir (said she) it is no fiction that you are entering upon a dangerous, and I am afraid an unjust, war; that your son is an infant, and myself a stranger, among a people who hate my nation, and will despise my authority, should you be unsuccessful." Finding all her remonstrances of that kind vain, she had recourse to other arts. While James was waiting at Linlithgow for the arrival of his army from the North and the Highlands, he assisted one afternoon at the vespers in the church of St. Michael. Being placed in one of the canons seats, a venerable, comely, man, of about fifty-two years of age, dressed in a long garment of an azure colour, and girded round with a towel

Pretended prodigies.

A. D. 1513. towel or roll of linnen, his forehead bald, and his yellow locks hanging down his shoulders; in short, he was dressed and formed to appear like St. Andrew, the apostle of Scotland, as he is represented in painting and sculpture. The church being crowded, this personage, with some difficulty, made his way to the king's seat, and leaning over it, he spoke to the following purpose: "Sir (said he), I am sent hither to intreat you for this time to delay your expedition, and to proceed no farther in your intended journey: for if you do, ye shall not prosper in your enterprize, nor any of your followers. I am farther charged to warn you, if ye be so refractory as to go forward, not to use the acquaintance, company, or counsel of women, as ye tender your honour, life, and estate." After delivering those words, he retired through the crowd, and was no more seen, though, when the service was ended, James earnestly enquired after him.

Hawthorn-
den.
Aber-
cromby.
Lindsay.

James
enters Eng-
land.

That this scene was acted seems to be past dispute; for Sir David Lindsay, who was then a young man, and present in the church, reported it both to Buchanan and Lindsay the historian. It is, however, equally certain, that the whole was a contrivance of the queen, to whose other afflictions the stings of jealousy were now added. In one of the Scotch inroads into England, one Heron, the proprietor of the castle of Ford, had been taken prisoner,
and

A. D. 1513.

and sent to Scotland, where he was detained on a charge of murder, of which he seems to have been innocent. The English historians mention this as having passed after James entered England; but, from the latter part of the supposed phantom's speech, I am inclined to believe that it happened before; and that Heron's wife and beautiful daughter had been, for some time, solliciting James for his deliverance. Be that as it may, it is too probable that James was smitten with the charms of the daughter, and that her mother, who was a most artful woman, knew how to avail herself of the conquest. Pretending that she had interest enough to procure the release of the lord Johnston and Alexander Hume, who were prisoners in England, she was permitted by James to keep a constant correspondence with the earl of Surry, to whom she is said to have betrayed all James's secrets and measures. The rendezvous of James's army was at the Burrow-moor, to which James repaired; and having given orders for the march of his artillery, he lodged at the abbey of Holyrood-house. While he was there, another attempt was made to divert him from his purpose of invading England; but though it is very gravely related by the Scotch writers, it is of too ludicrous a cast to be admitted into the body of history; and the reader will find it in the notes, as re-

counted

A.D. 1513. counted by Lindsay *, who says he had it from a person who was present, and heard the supernatural summons pronounced. The queen, in hopes that this second alarm would make an impression upon her husband, renewed (but all in vain) her reasoning to dissuade him from the expedition; adding, what was but too true, that if he entered England with his army, he would find her countrymen well prepared to receive him.

* "In this mean time, when they were taking forth their artillery, and the king being in the abbey for the time, there was a cry heard at the market-croße of Edinburgh, at the hour of midnight, proclaiming as it had been a summons, which was named and called by the proclaimer thereof, The Summons of Plotcock; which desired all men "to compear, both earl and lord, and baron and gentleman, and all honest gentlemen within the town (every man specified by his own name) within the space of forty days, before his master, where it should happen him to appoint, and be for the time, under the pain of disobedience." But whether this summons was proclaimed by vain persons, night-walkers, or drunk men, for their pastime, or if it was but a spirit, I cannot tell truly: but it was shewn to me, that an inn-dweller of the town, Mr. Richard Lawson, being evil disposed, ganging in his gallery stair forenent the croße, hearing this voice proclaiming this summons, thought marvel what it should be, cried on his servant to bring him his purse; and when he had brought him it, he took out a crown, and cast over the stair, saying, "I appeal from that summons, judgment and sentence thereof, and takes me all whole in the mercy of God, and Christ Jesus his son." Verily the author of this, that caused me write the manner of the summons, was a landed gentleman, who was, at that time, twenty years of age, and was in the town the time of the said summons; and thereafter, when the field was stricken, he swore to me, there was no man that escaped that was called in this summons, but that one man alone, which made his protestation, and appealed from the said summons; but all the lave were perished in the field with the king." Lindsay.

James,

James, deaf to all her solicitations, mustered his army; and on the twenty-second of August he passed the Tweed, encamping that night near the banks of the Twissel. On his arrival at Twisselhaugh on the fourteenth, he called an assembly of his lords together (for it could be no parliament), and made a declaration, that the heirs of all such as should die in the army, or be killed by the enemy during his stay in England, should have their wards, relief, and marriages of the king, who, upon that account, dispensed with their age. This is said to have been the crisis of that prince's fate. Abandoned to his passion for his English mistress, she prevailed with him, at her mother's instigation, to trifle away his time for some days, during which interval, the junction of the English army was formed. The earl of Surry, the English general, was then at Pomfret; but ordered the landholders of the neighbouring counties to certify to him, in writing, what number of men each could furnish, charging them to be ready, at an hour's warning, to take the field. This proved to be a wise precaution on the part of the English. That nation was, in general, highly exasperated at the conduct of James during the absence of their king; and the earl of Surry laid his plan so as not to bring his army into the field till James had advanced so far into England, as to render it very difficult for him to retire without

A. D. 1513.
Disposi-
tions of the
earl of
Surry.

A.D. 1513. a general battle. This precaution assisted the lady Ford (as she is called) in persuading James that there was no danger in the delay, because the English had not the face of an army in the field.

The Scots
take Nor-
ham.

In the mean time, the earl of Surry ordered the governors of Berwic and Norham, the two strongest places on the frontiers of England, to prepare for a vigorous resistance, in case they were attacked; and directed them to certify how long they could hold out, in hopes that if they made a resolute defence, James would march on, and leave them in his rear. The governor of Norham's answer was, that his castle was so well provided, as to leave him no doubt, in case of a siege, to be able to defend it till king Henry should return from abroad, and relieve it in person. James, however, besieged it on the twenty-fifth of August, and battered it so furiously, that he took it by capitulation the sixth day after. James then proceeded to the castle of Etal, belonging to the family of Manners (now dukes of Rutland) which he took and demolished likewise, as he did Wark, and arrived before the castle of Ford. Here the Scotch historians bring him first acquainted (though I am inclined to be of a different opinion) with that lady and her daughter; but all histories agree, that his connections with them were fatal to his crown and person, by disarming him of that vigour and activity

activity which was so necessary for the success of his expedition. A.D. 1513.

The Scotch army is generally allowed to have consisted of at least fifty thousand men when it passed the Tweed. At the time I treat of, it was encamped on the heights of Cheviot, in the heart of a country naturally barren, and now desolate through the precautions taken by the English general. Being obliged to extend their quarters for the benefit of subsistence, the mercenary part of them had acquired a considerable plunder, with which, as usual, they retired to their own country, as many more did for want of subsistence. The earl of Surry knew their situation, and ordered the rendezvous of his army first at Newcastle, and then near Norham; having certain intelligence of the vast desertions daily happening in the Scotch army, which had reduced it greatly. The wetness of the season rendered his march, especially that of the artillery, extremely difficult; but being joined by the lord Dacres, Sir William Bulmer, Sir Marmaduke Constable, and other persons of great distinction, he marched, on the third of September, to Alnwick, where he was reinforced by five thousand hardy veteran troops, sent from the English army on the continent, under the command of his son, the lord-admiral of England; so that the English authors admit his army to

Message of
the earl of
Surry to
James.

A.D. 1513. have consisted of twenty-six thousand men, all completely armed and provided for the field. James having, in the manifesto which he dispersed on his entering England, given the death of Barton as one of the causes of his invasion, the lord-admiral had prevailed with Henry to send him upon this service; and he informed James by a letter, that he intended to justify the death of that pirate in the front of the English army.

By this time, the army of James was, by desertion and other causes, reduced to less than half its numbers; but the chief misfortune attending it was his own conduct. His indolence and inactivity, joined to the scandalous example of his amours, at such a season, had disgusted some of his greatest men and best friends; and some of them more than suspected a correspondence between the English lady and the earl of Surry. James was deaf to all their remonstrances; and the earl of Angus (the same who had obtained the name of Bell the Cat) declared that he was resolved to return home, as he foresaw that the ruin of the army was inevitable through the obstinacy of James. He accordingly withdrew to Scotland, but left behind him his two sons. The lord Hume and the earl of Huntley were likewise discontented. The former had brought his men into the field, but, according to some Scotch historians, with a design rather to betray than to serve

serve

serve James; but Huntley, though he disliked his master's conduct, remained firmly attached to his person.

The defection or backwardness of those great men seemed to make no impression upon James. He knew that he was beloved by the bulk of his army; that his nobility in general were passionately fond of glory, and devoted to his service; and he madly resolved to risk every thing, that he might oblige the court of France. He had chosen a strong camp in the neighbourhood of Ford, on the side of a mountain called Floddon-hill; and he was separated from the English army by the river Till. This advantageous situation put the earl of Surry under great difficulties; for it rendered the Scotch army inaccessible, as it was fortified by artillery, and was now well supplied with provisions by the change of its situation. The earl drew up a manifesto, with which he charged Rouge Croix, herald, who was attended by a trumpet. It contained some proposals for an exchange of prisoners, which seems to have been calculated to give the lady Ford the more credit with James; but concluded with reproaches for his perfidious invasion of England, and a defiance for James to fight him in a general battle. The herald was farther charged with a verbal commission to acquaint James, that the earl of Surry had issued orders, that

Battle of
Floddon-
field,

no

A.D. 1513:

The earl of Surry, who was then so infirm that he was carried about in a sedan or chariot, had foreseen, like an experienced general, that James would return an answer by one of his own heralds; but, unwilling that he should obtain any knowledge of the situation of the English camp, he ordered proper persons to receive him at two miles distance, where soon after he himself attended in person. Ilay executed his commission without paying much respect to the person of the English general, who dismissed him, after bestowing great compliments upon the honour and courage of James. The earl then ordered his army to march in the line of battle towards Woollerhaugh. There he was joined by Rouge Croix, herald, who gave him an account of the strong situation of the Scotch camp; but the advanced posts of the English army were then within three miles of their enemies, and the earl of Surry found his difficulties daily encreasing. The roads were broken up, the swelling of the rivers cut him off from the necessary communications for supplying his army, and nothing but a battle

we expressed specially in our oath, that we would keep to our brother, if our brother kept to us, and not else; we swore that our brother broke first to us, and of his breach we have required him divers times of amends, and lately we warned him, as he did not us, ere we broke; and this we take for our quarrel, and by God's grace shall defend the same at your affixed time, which with God's help we shall abide."

could

could save him either from being disbanded or destroyed. A. D. 1513.

James seems to have so far regarded the advice of his wisest counsellors, as not to abandon his strong situation. They endeavoured to persuade him, that it was a sufficient guard to his honour, if he did not decline the battle on the day appointed; and that his engagement did not bind him to fight upon disadvantageous ground. The Scots, at the same time, knew of their enemy's distresses; and, as Drummond elegantly expresses it, they remonstrated to their king, that he lacked nothing but patience to be victorious. The Scots thus lying on the defensive, the earl of Surry again sent Rouge Croix to inform James that he was ready to give him battle. James was sensibly nettled at this tacit imputation upon his honour, and perhaps was inwardly vexed for having followed the wise advice of his noblemen. It is certain, from the best authorities, that he neglected the necessary precautions for guarding the passages of the Till, which the English crossed, partly at a place where it was fordable; and partly at a bridge. We are told, not without a great appearance of probability, that while the English were passing the bridge, Borthwic, master of the Scotch artillery, fell upon his knees, and begged permission from James to point his cannon against the bridge;

A.D. 1513. but that James answered him in a passion, that it must be at the peril of his (Borthwic's) head, and that he was resolved to see all his enemies that day on the plain before him in a body. The earl of Surry, after passing the Till, took possession of Braxton, which lay to the right of the Scotch camp; and by that situation he cut off the communication of his enemies with the Tweed, and he commanded the Till below Eton-castle. The Scotch generals saw themselves now in danger of being reduced to the same straits in which their enemies had been involved two days before, and their country open to an invasion of the English army. James had secret intelligence that this was far from being the intention of the English general; and imagining that the latter's intention was to take possession of a strong camp upon a hill between him and the Tweed, which would give the English a farther command of the country, he resolved to be before-hand with the earl, and gave orders for making large fires of green wood, that the smoke might cover his march along the height, to take advantage of that eminence. But while this stratagem concealed his march from the English, their movements were concealed from him; for when he came to the brow of the height over which he had marched, he found the enemy drawn up in order of battle on the plain,

plain, but so close to the height where he was, A. D. 1513 that his artillery, on which his great dependence was, must overshoot them.

A battle was now not only unavoidable, but the only means of saving the Scotch army, which, I am inclined to think, was far from being a disagreeable circumstance to James. His person was so dear to his troops, that many of them dressed themselves as nearly as they could in the same coats of armour, and with the same distinctions that James wore that day. His generals had earnestly desired him to retire to a place of safety, where his person would be secure in all events; but he obstinately refused to follow their advice, and on the ninth of September, early in the morning, dispositions were ordered for the line of battle. The command of the van was allotted to the earl of Huntley; the earls of Lenox and Argyle commanded the Highlanders under James, who, some say, served only as a volunteer; and the earls of Crawford and Montrose led the body of reserve. The earl of Surry gave the command of his van to his son, the lord-admiral; his right wing was commanded by his other son, Sir Edward Howard; and his left by Sir Marmaduke Constable. The rear was commanded by the earl himself, lord Dacres, and Sir Edward Stanley. Under those leaders served the flower of all the nobility and gentry then in England. Other writers

A a a 2.

give

A.D. 1513.

give different accounts of the disposition of the English army, but they may be reconciled by the different forms into which the battle was thrown before it was decided. The lord Hume is mentioned as serving under the earls of Crawford and Montrose, and Hepburn earl of Bothwell in the rear.

fatal to the
Scots.

The first motion of the English army was by the lord-admiral, who suddenly wheeled to the right, and seized a pass at Milford, where he planted his artillery so as to command the most sloping part of the ascent where the Scots were drawn up; and it did great execution. The Scots had not foreseen this manœuvre; and it put them into such disorder, that the earl of Huntley found it necessary to attack the lord-admiral, which he did with so much fury, that he was driven from his post; and the consequence must have been fatal to the English, had not his precipitate retreat been covered by some squadrons of horse under the lord Dacres, which gave the lord-admiral an opportunity of rallying and new forming his men. The earl of Surry now found it necessary to advance to the front, so that the English army formed one continued line, which continued to gaul the Scots with perpetual discharges of their artillery and bows. The Highlanders, as usual, impatient to come to a close fight, and to share in the honour of the day, which they now thought their own, rushed
down

down the declivity with their broad-swords, A.D. 1513. but without order or discipline, and before the rest of the army, particularly the division under lord Hume, advanced to support them. Their impetuosity, however, made a considerable impression upon the main battle of the English, and the king bringing up the earl of Bothwel's reserve, the battle became general and doubtful; but, by this time, the lord-admiral, having again formed his men, came to the assistance of his father, and charged the division under the earls of Crawford and Montrose, who were marching up to support the Highlanders, among whom the king and his attendants were now fighting on foot, while Stanley, making a circuit round the hill, attacked the Highlanders in the rear. Crawford and Montrose, not being seconded, according to the Scotch historians, by the Humes, were routed; and thus all that part of the Scotch army which was engaged under their king were completely surrounded by the division of the English under Surry, Stanley, and the lord-admiral. In this terrible situation, James acted with a coolness not common to his temper. He drew up his men in a circular form, and their valour more than once opened the ranks of the English, or obliged them to stand aloof, and again have recourse to their bows and artillery. The chief of the Scotch nobility made fresh attempts to prevail with James to make his

A. D. 1513. his escape while it was practicable; but he obstinately continued the fight, and thereby became accessary to his own ruin, and that of his troops, whom the English would gladly have suffered to retreat. He saw the earls of Montrose, Crawford, Argyle, and Lenox, fall by his side, with the bravest of his men lying dead on the spot; and darkness now coming on, he himself was killed by an unknown hand. The English were ignorant of the victory they had gained, and had actually retreated from the field of battle, in hopes of renewing it next morning.

James and
his chief
nobility
killed.

The relation I have given of this fatal battle is drawn from the most probable accounts I meet with in the best authors, every one of whom differ among themselves. It is plain that the fatal defeat of the Scots was owing to the king's romantic disposition, which he had always too much indulged, and to the want of discipline among his Highlanders, who were the flower of his army. Scotch writers have, indeed, attributed the defeat of their countrymen to the treachery of lord Hume. What they call treachery, was possibly no more than a cautious conduct, which was incompatible with the fury and madness of his countrymen; nor can I see, if he was a traitor, why he did not retire when the earl of Angus left the army, or openly declare for the English. That nobleman was unquestionably unpopular; and the

the malice of his countrymen went so far, that it was openly reported the king fled from the battle to the castle of Hume, where he was murdered, though nothing can be more certain, than that his body was found on the field of battle. It appeared that he had been shot through the body with an arrow, and that he had received a mortal wound in the head with a bill. Many of James's domestics who survived him, knew and mourned over his corpse; nor could the earl of Surry, who had often seen him, be mistaken as to the identity of his person. His coat armour was presented to the queen-regent, Catharine of England; and she wrote the following letter to Henry, who was still on the continent, on the occasion.

“ Sir,

“ My lord Howard sent me a letter open to your grace within one of mine, by the which you shall see at length the great victory that our Lord hath sent your subjects in your absence; and for this cause, it is no need herein to trouble your grace with long writing; but, to my thinking, this battle hath been to your grace, and all the realme, the greatest honour that could be, and more than you shall wyn all the crown of France; thanked be God of it. And I am sure your grace forgetteth not to do this, which shall be cause to send you many more such victories, as I trust ye shall do. My husband, for hasteness of Rouge-Cross,

Letter from
queen Ca-
tharine to
king Henry.

A.D. 1513. Cross, I could not send your grace the piece of king of Scots coat; I thought to send himself to you, but our Englishmen would not suffer. It should have been better for him to have been in peace, than to have this reward. All that God sendeth is for the best. My lord, of Surry, my Henry, would fain know your pleasure in burying of king of Scots body: for he hath written to me so. With your next messenger your grace's pleasure may be known herein; and with this I make an end, praying God to send you home shortly; for without this, no joy here can be accomplished. And for the long I pray, and now go to our lady at Walsynghame, that I promised so long to see. At Woborne, the sixteenth of September.

“ I send your grace herein a bill, found in a Scotchman's purse, of such things as the French king sent to the said king of Scots, to make war against you, beseeching you to send Mathew hither, assoon this messenger cometh, to bring me tidings from your grace.

“ Your humble wife, and true servant,

1513

Katharina.”

James
buried in
England.
Rymer.

As James died under a sentence of excommunication, Henry applied to the holy see for leave to bury him. The answer of Leo the tenth, then pope, was, “ That he had been credibly informed that king James had given some signs of repentance for the crime that had occasioned his being excommunicated in the last

last agony of his death, empowered Richard bishop of London, or any other, to enquire whether those signs of repentance were real; and if they were, to comply with the king of England's desire, provided that the king of England undertook to perform some penance in behalf of the deceased king of Scotland."

The body of James was accordingly carried from Newcastle, and royally interred at Shene in Surry. If it should appear strange to the reader, that the Scots did not reclaim the body (a favour that would have been easily granted them) I can account for it no other way, than that the kingdom of Scotland being, as well as its king, under an interdict, the funeral service could not have been regularly performed over him in that country. Besides the report of James being killed in Hume-castle, another prevailed, as if he had been carried out of the battle by four strange men; and another, that he went to Palestine, where he ended his days before the holy sepulchre in acts of devotion and penitence. To mention all the idle notions retailed by the vulgar on that head would be endless. The strongest objection to the body being buried at Shene is, that it was not begirt with the iron girdle. This, however, we have only upon very vulgar authority; and as the chain, by the additions it had received, must have been, at the time of James's death, pretty ponderous, he might have thought proper to lay

A.D. 1513.

it aside for that day; but I am inclined to think he never did wear it but upon certain stated occasions. In a manuscript of the earl of Nithsdale, in the Scotch college at Paris, mention is made of a chained skeleton being found in Oliver Cromwell's time, wrapped up in a bull's hide, buried in Roxburgh-castle; but chains were often a part of ancient armour, and the story carries with it no sufficient authority to counterbalance the evidences I have brought on that head.

Loss of the
Scots and
English
in the
battle.

The accounts which even contemporary historians have given us of this battle are so various and contradictory, that we are in the dark with regard to the numbers on both sides; and we are under the same uncertainty as to those who were killed. I am inclined to think, that the number of the English exceeded the Scots before the engagement, but that neither army consisted of above twenty-five thousand men. The Scotch historians say, that the number of English killed far exceeded that of their countrymen; but Polydore Virgil, who lived at the time, mentions the loss of the English to have been five thousand, and that of the Scots ten thousand, men. Though even those numbers are probably exaggerated, I am of opinion, from the nature of the engagement, as the English were better armed and more expert archers than their enemies, that the latter lost more than five thousand men, which
is

is the number fixed upon by their own historians; but that the English suffered severely, appears from the consequences. It is but doing justice to the memory of those brave men, who fell so gloriously with their sovereign, to transmit their names from the most exact accounts that have been obtained.

The archbishop of St. Andrew's, natural son to James, a youth of twenty years of age, stands at the head of this list. His character has been transmitted to us at large by the inimitable pen of Erasmus, his tutor, whose portraits in general are not very flattering; and he seems to have exhausted all his powers of writing, in the praises of this young prelate. In short, he renders him one of the greatest miracles that ever was produced by nature and education; nor did the charms of his person fall short of those of his mind. He closes his panegyric by the following elegant compliment to the father as well as the son: "In short (says he) no man was ever more worthy to spring from a king, and even such a king as his father was *." Besides this young ecclesiastic, there fell in this battle George Hepburn, bishop of the Isles; William Buns, abbot of Kilwinning, Lawrence Oliphant, abbot of Incheffray, and Mr. John Grant, had the same fate. The most conspicuous of the nobility and gentry were,

Names of
the Scotch
nobility and
gentry killed
there.

* In summa, nemo fuit dignior qui ex rege, & ex illo rege nasceretur.

A. D. 1513. John Lindsay earl of Crawford, Malcolm Stewart earl of Lenox, William Hay earl of Errol, John Stewart earl of Athole, John Douglas earl of Morton, Archibald Campbell earl of Argyll, William Graham earl of Montrose, David Kennedy earl of Cassils, Patric Hepburn earl of Bothwell, William Lesley earl of Rothes, William Sinclair earl of Caithness, Cuthbert Cunningham earl of Glencairn; George lord Seton, John lord Maxwell and his three brethren, William lord Borthwick, John lord Semple, Robert lord Erskine, John lord Forbes, Alexander lord Elphinstoun (Elphinstoun) John Hay lord Yester, William Knolls lord of St. John's, and high-treasurer of Scotland, Andrew lord Harris, Thomas Stewart lord Innermeath, Henry lord Sinclair, John lord Ross, George Douglas master of Angus, William master of Ruthven, Robert Keith master of Marshall, Thomas Fraser master of Lovat, Colin master of Oliphant, and others. Sir Thomas Maule of Panmure, ancestor to the earl of Panmure, Sir Robert Livingston of Easterweems, Sir John Haldane of Gleneagles, Sir William Maitland of Lethington (Lithingtoun) Sir William Douglas of Glenbervie, Sir Alexander Seton of Parbroath, Sir Alexander Scot of Hastenden, Sir Alexander Ramsay of Dalhousie, Sir Patric Houston of Houston, Sir William Douglas, Sir William Sinclair of Roslin, Sir John Keith of Ludquharn, Sir John Somervell
of

of Cambusnethan, Sir Adam Hepburn of Craigs, Sir John Douglas, Sir Alexander Lawder, Sir John Dunbar of Mochram, Sir Alexander Guthrie of Guthrie, Kenneth Mackenzie of Kintail, ancestor to the noble earl of Seaforth, John Carnegie of Kinnaird, ancestor to the earls of Southesk and Northesk, David Hume of Wedderburn, James Abercromby of Ley or Birkenbog, Thomas Macklelan of Bomby, Hector Maclean (Macklean) of Dowart, James Haig of Bermeside, John Crawford of Ardagh, Robert Crawford of Achnames, John Balfour of Denmill, Cuthbert Hume of Fastcastle, Robert Blackader of Blackader, William Fleming of Barochen, Andrew Pitcairn of Pitcairn, Archibald Graham of Garvoc, Alexander Boswal of Balmuto, James Henderson of Fordil, Alexander Stewart of Garlies, William Spotfwood of Spotfwood, Adam Hall, ancestor to the laird of Fulbar, George Graham of Calendar, Archibald Naper of Marchiston (Marchistoun), John Cornwall of Bonhard, Thomas Boswal of Auchinlec, Robert Arnot of Woodmill, and others.

I am inclined to believe, that the remains of the Scotch army were saved and brought off by the earl of Hume. He certainly was in the first charge that disordered the lord-admiral of England's division; and it is extremely probable, that if he kept aloof, as authors say he did, it was after he saw the day was irretrievably

A. D. 1513. trievably lost. In the morning, the English again formed their line of battle, but found no enemy to encounter, upon the same spot. Why the lord Hume did not carry off the fine train of Scotch artillery is not easily to be accounted for, but by supposing, that having shifted his ground in the night-time, his men, who were borderers, and consequently addicted to plunder, fell upon the English camp, after the soldiers had marched out of their lines to renew the battle. Though this was an ignoble motive for losing the artillery, yet it is agreeable to history, and to the character of the people. We are told farther, that when the English marched towards Berwic, he cut off part of their rear, and harrassed them in their retreat; so that, whatever the motives of that nobleman's conduct might have been, he certainly had no correspondence with the enemies of his country; and the other actions of his life are so far from indicating treachery, that he seems to have been a wise patriot.

Character
of James
the fourth.

James the fourth had undoubtedly great accomplishments both in mind and body. His Latin epistles are classical, compared to the barbarous style of the foreign princes with whom he corresponded. This was owing, in a great measure, to the care of Panter, his secretary of state, one of the politest scholars in Europe, and tutor to his son, the archbishop of St. Andrew's, before the latter went abroad. The many

many eulogiums, both in prose and verse, bestowed upon him by foreign pens, leave no room to doubt of his generosity to the muses of other countries as well as his own. The splendor of his court, as I have already hinted, equalled that of any other in Europe; and he rivalled even his brother-in-law, Henry the eighth, the most sumptuous prince of his time, in the magnificence of his jousts and tournaments. The attention he paid to the civilization of his people, and his distribution of justice, cannot be too much commended; while under him Scotland produced as many learned men as any country in Europe could boast of. Like his father, he had a turn towards the fine arts, particularly those of sculpture; for there is still preserved a medallion of his, struck at a time when I believe England produced no such coins, and they were very rare in the other parts of Europe. On this piece, which is fabricated in a much better taste than could have been expected in that age, the king himself is represented in profile, with a close crown of one arch. He has no beard, and his breast is adorned with the order of St. Michael, of which he was a knight. The inscription is in Roman characters, *Jacobus 4 Dei Gratia rex Scotorum*. On the reverse is a Doric column in architectural proportion, standing upon a rock in the middle of the sea, between two promontories, and surmounted by a laurelled head of Janus; the

A.D. 1513. the motto, *Utrunque* ; meaning, I suppose, that he was upon his guard against the French as well as the English. I am inclined to think with Mr. Evelyn, that this medallion was struck but a little time before the battle of Floddon, and that it alludes to the debates in the Scotch council between the French and English parties. The attention which James paid to commerce was likewise highly commendable; and as he was the first, so he was the only, king of Scotland who raised a marine that rendered him respectable by sea, unless we except the fleet sent by his father, under the earl of Arran, to the king of Denmark's assistance.

After all, the virtues of James were more shining than solid; and his character was that of a fine gentleman and a brave knight, rather than a wise king or a great monarch. He never got the better of his prepossessions for the French, and his prejudices against the English; and these led him, contrary to every dictate not only of sound policy, but common sense, and indeed public faith, to his own and his people's destruction. He was far from being eminent in the conjugal duties; for, besides his fatal English mistress, he had children by several Scotch ladies, some of them of distinguished quality; and I am inclined to think that his religious pilgrimages were for amorous purposes. Had he outlived the battle of Floddon, the prodigious expences of his court and
navy

navy must have rendered his reign burthen, some to his subjects. His partiality for the French seems, as he grew up, to have made him in love with their constitution; for he convoked few parliaments after he was of age. This might, in part, be owing to the great encrease of his people's commerce, which enabled him, by his imposts upon trade, to maintain the splendor of his court. Though his conduct in this respect relaxed the public virtue of his subjects, and undoubtedly gave umbrage to the wisest and best part of his nobility, yet his deportment and manners were, so amiable, that no king was ever better beloved than he was; witness the ardour with which he was served in his last expedition, notwithstanding the injustice and obstinacy with which he undertook it. The accurate Ruddiman observes, I believe with great truth, that Scotland never abounded in gold and silver so much as it did during this prince's reign. His age was forty years, five months, and twenty-three days, at the time of his death, having reigned twenty-five years and about three months. Like the princes of his family (to his great grandson, James the sixth) his person was handsome, vigorous, and active. From their coins it does not appear, that either he, or any of his predecessors of the Stuart race, wore their beards, as did all his successors to the reign of Charles the second. Though his disposition

A.D. 1513 was martial, yet he had so wonderful a command of temper, that he never was known to be in a passion, or the features of his face, whatever his provocation might be, to alter. By exercise and temperance he brought his body to endure incredible fatigues; and he gloried in travelling without attendants through the most barbarous parts of his dominions.

His issue.

He had, by the queen his wife, four children; James, born at Holyrood-house, the twenty-first of February 1507, who died the fourteenth of July 1510; Arthur, born on the twentieth of October 1509, died in his infancy; James, born the fifth of April 1511, who succeeded him; Alexander, born on the thirtieth of April 1514, after his father's death, died the fifteenth of January 1516-17. His natural issue were, Alexander archbishop of St. Andrew's, by Mary Boyd, daughter to Archibald Boyd of Bon-
 tham; Catharine, married to James earl of Mor-
 ton, by the same lady; James earl of Murray,
 by Jean Kennedy, daughter to the earl of Cas-
 sils. James fell in love with this lady while
 he was upon one of his pilgrimages to St.
 Ninian's; and he had arbitrarily confined the
 earl of Angus to the isle of Arran for carrying
 her out of Galloway, but for what purpose
 Drummond does not say. Margaret, married
 to John master of Huntley, by Margaret Drum-
 mond, daughter to John lord Drummond;
 and





JAMES V.





J. Taylor sculp.

JAMES IV.

and Jean, married to Malcolm lord Fleming, great chamberlain of Scotland, by Isabel Stewart, daughter to James earl of Buchan. Before I take leave of this prince, I must mention one circumstance peculiar to himself and his family; I mean his great skill in surgery and pharmacy. This, no doubt, in his rambles, might be of some use to him. He was so fond of the medical art, that he formed the surgeons of Scotland into a corporation, and gave them several privileges. Besides the device of the medallion I have mentioned, he had another, that of two rugged rocks in the midst of a tempestuous sea; with the motto *Durabo*; the meaning of which I do not clearly comprehend.

JAMES THE FIFTH.

THE precaution taken by the earl of Hume in carrying off the remains of the Scotch army after the battle, and the moderation of Henry, terminated the miseries of Scotland in the fatal field of Floddon. Lenity towards the Scots was far from forming any part of the English general's character; but I am inclined to think that his commission did not empower him to invade Scotland, and that he did not

State of
Scotland at
the accession
of
James the
fifth.

A. D. 1553. think his army was strong enough for such an attempt. He marched, however, to Berwic, where he waited for farther orders from Henry, who was then besieging Tournay. It is to the honour of Henry's memory, that he behaved on this occasion with equal magnanimity and affection. Overlooking all the provocations he had received from James, the earl of Surry had orders to dismiss his army, which he did; but not without receiving the noblest rewards his master could bestow, besides creating him duke of Norfolk. The dismissal of the English army was looked upon by the Scotch nation, who expected an invasion attended with all the miseries of war, as a providential deliverance. Some days being spent in acts of mourning, in which every family of any consideration in Scotland shared, the states of the kingdom assembled at Stirling, where the eldest son of James the fourth, then no more than one year, five months, and ten days old, was crowned, by the title of James the fifth, on the twenty-first of December; but Buchanan says the ceremony was performed on the twenty-fourth of February following.

The late king, before he set out on the expedition in which he fell, had made a will, appointing, in case of his death, his dowager to be regent of the kingdom, and protector of his son, during his minority. Though this appointment, which threw the regal power, in

a man-

a manner, into her hands, was far from being agreeable to the spirit of the Scotch constitution, yet the regard which the assembly had for the late king, upon whose will alone the queen founded her claim, did not suffer them to dispute it; and she was accordingly recognized as protectress or regent of the kingdom, and guardian to her son, as long (for so the will expressed it) as she should continue a widow. But it is here proper to give some account of the great men of Scotland, and their situations and characters, at this important crisis.

The earls of Angus and Hume were then the two greatest subjects in the south of Scotland. The former's memory has suffered for his withdrawing from James at Floddenfield. The reasons he gave (not to mention the discontent he entertained at the king's conduct) were his age and infirmities; but some authors say that he was not then past his sixty-second year. A life of perpetual activity and service in the field, as that of this earl was, may be disabled at that age from the performance of military duties. Whatever may be in this, it is acknowledged on all hands, that he withdrew none of his men from the field, and that he left two sons with the king, and both were killed, as were several other noble personages of his family. I am therefore inclined to believe that the earl's not being present in

Characters
of the earls
of Angus
and Hume.

the

A.D. 1513.

1514.

the battle was owing to his infirmities, which disabled him from performing those active duties of a general in that post of honour to which he was entitled by his rank and station. Upon his leaving the camp (if he did leave it before the battle) he retired to a religious house, where he died in the beginning of the following year, lamenting the miseries of his country. The earl of Angus was succeeded in his great estates and honours by his grandson, Archibald, (son to him who was killed in Floddon field,) one of the most accomplished noblemen in Europe. He appeared at court with all the advantages that an opulent fortune, a polite education, and a most graceful, vigorous, person could give him, so that it was no wonder if he attracted the attention of the queen-regent, who was not, at this time, above twenty-seven years of age. The earl of Hume had, by his estate and great following upon the borders, obtained a power that might have been dangerous to government, if improperly exercised; and he certainly was of the aristocratical party, and no enemy to the revival of the feudal institutions. He was, at the time I treat of, warden of the Scotch marches towards England. The earl of Huntley was the most considerable nobleman in the North, and served the royal family with great zeal and fidelity. He was looked upon as a man of high honour and principle. His

behaviour

Huntley,

behaviour in the battle of Flodden, where almost all that was done against the enemy was owing to his courage, though the battle was fought against his opinion, had greatly raised his reputation. He was one of the very few great noblemen who escaped from that battle; and he is said to have withdrawn from the field, with some friends, after the death of the king, but not without reproaching the earl of Hume for his inactivity. He was, with the public consent and approbation, appointed the king's lieutenant-general in the northern parts. The earl of Arran was a nobleman of high consideration, not only as being next in succession to the crown after the royal family, but in consideration of the great offices he had filled, and his large estate. He had been in high favour with James, and had a strong party in the kingdom, who, disliking the government of females, were inclined to have given him the regency; but being a nobleman of moderation, he contented himself with an appointment to be governor of the castle of Edinburgh. The earl of Argyll, whose father had filled the greatest offices in the state, and had fallen with his royal master in Flodden-field, had vast influence and possessions in the western parts of Scotland, where his estates lay; and being otherwise remarkable for his moderation, candor, and integrity, he was universally considered as a person very proper to be consulted in

A.D. 1547

Arran,

Argyll,

in

A.D. 1574. in the affairs of government. Such were the heads of the Scotch nobility at this time: I am now to attend those of the clergy.

*archbishop
of Glasgow,*

Of them, Peter, the archbishop of Glasgow, was the chief; a man of intrigue and business, a complete courtier, but a profligate church-

*Gawin
Douglas,*

man. Gawin Douglas, uncle to the earl of Angus, was, at this time, provost of the collegiate church in Edinburgh. Though he had been destined by his family to the church, yet his morals in his youth had not been irreproachable; and he had devoted his time so much to the muses, that he was thirty-nine years of age without obtaining any higher preferment in his calling than I have mentioned. Some of his original compositions discover great descriptive powers, with an elegant natural vein of poetry; but he has been absurdly praised for his translation of Virgil, by those who think that every thing must have merit that has antiquity to recommend it. He was now at a time of life when sentiments of ambition are apt to take place in the mind; and he soon gave proof that he was born to shine in other provinces besides that of poetry. Hepburn and Forman (of whom I shall have occasion to speak hereafter) were two other factious ecclesiastics, who had a great sway in affairs of the church; but I am now to attend those of the state.

*Hepburn,
Forman.*

The queen-dowager being settled in her new dignity, found it too weighty for her to support

port her own; and being big with a posthumous child, she accepted of Beaton archbishop of Glasgow, and chancellor of Scotland, with the earls of Huntley, Angus, and Arran, to assist her in the affairs of government. Soon after her husband's death, she had wrote an affecting letter to her brother, the king of England, informing him of her pregnancy, setting forth the deplorable state of the kingdom, with her own condition, and imploring his friendship and protection for herself and her infant son. This letter seems never to have been communicated by Henry to his council; but he generously answered it, and informed his sister, that if the Scots would have peace, they should have peace, and war if they chose it. "He added (according to Drummond) that her husband had fallen by his own indiscreet rashness, and foolish kindness to France; that he regretted his death as his ally, and should be willing to prohibit all hostility against the country of Scotland during the minority of her son. For a remedy of present evils, one year's truce and a day longer was yielded unto; in which time he had leisure to prosecute his designs against France, without fear of being disturbed or diverted by the incursions and inroads of the Scots upon his borders."

Thus far Drummond: but though Henry might generously grant this time to his sister's entreaty, yet it certainly did not become a na-

A Scotch
parliament.

A. D. 1514.
Rymer,
vol. XIII.
p. 508.

Ecclesiasti-
cal affairs.

tional measure; for it appears, by a letter dated two years after, from the Scotch council to the king of France, published by Rymer, that the Scots never had desired a truce. So far from that, the French influence, joined to a desire of revenge, remained so strong in the kingdom, that after the meeting of the parliament, some of its members were so mad as to propose a renewal of the war. This motion was, indeed, over-ruled by the more moderate part of the assembly, but they could not be brought to make any advances towards Henry for a peace; and every day was now big with public calamity, which seems to have gathered strength during the queen's in-lying. The archbishopric of St. Andrew's being vacant, it was offered, by universal consent, to Elphinston bishop of Aberdeen; but being now old and infirm, he declined it. Three competitors for that high dignity then appeared; the first was Gawin Douglas, who was then abbot of Aberbrothwic, to which he was presented by the queen upon her recovery (having been brought to bed of a son) the very day before her marriage with his nephew, the earl of Angus; and, upon the death of bishop Elphinston in November following, she presented him likewise to the archbishopric of St. Andrew's. The second competitor was John Hepburn, prior of St. Andrew's, a bold, avaricious, restless, but shrewd and sensible, priest. By his office he had

had received the rents of the see during its vacancy; and having prevailed with the canons, on pretence of ancient privileges, to elect him archbishop, without regard to the nomination either of the queen or the pope, he drove Douglass's servants from the castle of St. Andrew's, of which they had taken possession. The third and most powerful competitor was Forman bishop of Murray in Scotland, and archbishop of Bourges in France, a dignity to which he had been raised for his public services. He had in his interest not only the duke of Albany (son to the traitor duke) first prince of the blood, but the court of Rome itself; and having received the pope's bull and nomination to the dignity, he was considered by the Scotch clergy in general, and by the principal tenants and dependants upon the see, as the legal archbishop.

The preference given to Forman discouraged Douglas from pursuing his pretensions; but Hepburn, being supported by the clan of his own name, and the Humes, made so formidable a head against his rivals, that none could be found daring enough to publish the papal bull in favour of Forman. The latter, though he is said to have despised money, was too good a politician to be insensible of its influence. His friends intimated to the earl of Hume, that his credit at the court of Rome could easily procure the rich abbey of Coldingham for his

Great power
of the earl
of Hume.

A.D. 1514. younger brother; upon this, the earl put himself at the head of his followers; and, notwithstanding all the opposition given by the Hepburns, he proclaimed the pope's bull over the cross of Edinburgh. This daring action plainly proved that the earl of Hume had more power than the queen-regent herself; but Hepburn's resolution, and the greatness of his friends, obliged Forman to agree to a compromise. Hepburn was advanced to the see of Murray, without accounting for the revenues of the archbishopric, which he had received during its vacancy; and he gave Forman a present of three thousand crowns, to be divided among his friends and followers.

The queen delivered of a posthumous son.

In April this year, the posthumous son, of whom the queen had been delivered within Stirling-castle, was, by the bishop of Caithness, baptized Alexander. Having recovered her strength, she undoubtedly found herself far advanced in her passion for the earl of Angus, who seems to have been equally in love with her. This is the only apology that can be made for her marriage with the earl, which was celebrated on the sixth of August this year, than which, nothing could surely be more impolitic. She had neither consulted her brother nor the states of Scotland in the match; and by her having accepted of a husband, she, in fact, resigned all claim to the regency under her husband's will. The Douglasses did not dispute her having

ing divested herself of the regency, but they affirmed that the states might lawfully reinstate her in it, and that the peace of the kingdom required it, as it was the only measure that could preserve the happy tranquillity which then subsisted between Scotland and England. The earl of Hume put himself at the head of the opposition to this proposal. He knew he had enemies, and he dreaded that the farther aggrandizement of Angus must weaken his interest on the borders. He was joined by a number of the young nobility, who, though otherwise divided, united against Angus. In short, the general opinion was, that the Douglasses were already too great; and that should the queen be reinstated in the regency, they must be absolute within the kingdom, and engross all places of power and profit. It was added by the earl of Hume, that he had, out of respect to the late king's memory, submitted to the queen's government; and that now she had made a voluntary abdication of it by her marriage, it ought not to be renewed.

An assembly of the nobility being held upon the occasion, their deliberations turned upon the person most proper to be substituted for regent; and the meeting was divided between the duke of Albany and the earl of Arran, who were both in the same relation to the crown, the former by the male, and the latter by the female, side; nor do I find any other competi-

The duke
of Albany
chosen re-
gent of
Scotland.

tor

A.D. 1514. tor mentioned. The preference, in right of blood, undoubtedly lay for the duke of Albany; but he was exceptionable to many of the assembly, not only on account of his father's treasons, but because he was himself a Frenchman born, devoted to that crown, and entirely ignorant of the laws, constitutions, and manners of the Scots. The earl of Arran, on the other hand, was liable to many of the objections which had operated against the earl of Angus. He was already very powerful by his estate, family, and following; and it was visible, from the beginning of the debate, that the earl of Hume was resolved that no subject of Scotland should be preferred to the regency. The venerable Elphinston, bishop of Aberdeen, was still alive, and assisted at the meeting. Though he was then eighty-three years of age, his intellects were as strong as ever; and the growing calamities of his country had endeared it the more to his affections. He harangued the assembly in a most pathetic speech; he burst into tears when he mentioned the lamentable loss which Scotland had sustained in her heroes and patriots on the field of Floddon; and drew a lively comparison between them and the tumultuous, dissipated, inexperienced, assembly in which he was speaking. As no Scotchman was so well acquainted with the state of the public finances, he then entered upon that subject, and shewed under
what

what difficulties the kingdom laboured, with regard to money, at the late king's death; and that after the public debts and the education of the king were provided for, very little would be left for supporting the dignity of government. He therefore recommended peace and unanimity in the most moving terms; but, after making great encomiums upon the queen, and her fitness for the regency, he concluded, that if the public tranquillity could not be otherwise preserved, it ought to be given to the duke of Albany. So great an authority could not fail of being entirely agreeable to the earl of Hume, who, being lord high chamberlain, seems to have acted as marshal of the assembly. The earl of Arran continued still to have many voices, but being a nobleman of great moderation, he made very little interest; and the earl of Hume, at last, openly proposed the duke of Albany, but with an air that shewed he was determined to carry his point. Being asked whether he would be the first to sign Albany's election, he not only readily consented, but declared that, should he be opposed by a majority, he would go over in person to France, invest that duke with the regency, and bring him to Scotland. The question being thus determined in favour of the duke, Lyon king at arms was dispatched to France, to notify to him his election. But here the affairs of Scotland fall in with those of England and France.

A.D. 1514.

After a very indecisive war being carried on between Henry and Lewis the twelfth, king of France, both parties agreed first to a cessation of arms, and then to a peace, which pope Leo the tenth, underhand, opposed, until he could make sure of the Swiss, on whom the kings of France generally depended for the prosecution of their wars in Italy. One of the terms of this peace, was a marriage between Lewis, who was far advanced in years, and Mary, the beautiful young sister of Henry and the queen of Scotland. By the treaty, which has been published by Mr. Rymer, and was concluded on the fifteenth of September, the Scots were comprehended in it, only upon condition, that, after September the fifteenth, they should make no incursion on the English by public authority; and if any were otherwise made, that satisfaction should be speedily given: but this article was reciprocal on the part of England, Lelley, the Scotch historian, has taxed Lewis with ingratitude for not comprehending the Scots in this treaty; but though that was far from being the case, I cannot help thinking that the scanty comprehension here mentioned was but a pitiful retribution for the sufferings of Scotland in the cause of France.

Duke of
Albany op-
posed by the
king of
England.

Henry, being apprised of the duke of Albany's election (which passed only in an assembly of the nobility) did all he could to traverse it before it should be confirmed by parliament.

He

He even required of his new ally, Lewis, to find some pretext for delaying the duke's departure; so that that prince gave Lyon king at arms, Sir Andrew Wood (the admiral who was to have brought him over) Sir Patric Hamilton, the abbot of Dryburg, and other gentlemen who had been sent to him and the French king, a cold reception. Lewis pretended, that the state of his kingdom could not immediately dispense with the absence of so great an officer, both civil and military, as the duke of Albany was; and the duke himself intimated, that before he entered upon the exercise of the regency, he had some preliminaries to settle with the parliament of Scotland, particularly with regard to himself being restored to his estate and honours. He, however, without any hesitation, accepted of the nomination. Henry made use of this delay in addressing a letter to the lords of Scotland, in which he did not fail to recount the dangers and inconveniencies that must arise from their persisting in the election of the duke of Albany; but, in the mean time, Lewis the twelfth died, and was succeeded by the earl of Angoulesme, afterwards Francis the first, who took possession of that throne, even before it was known whether the queen-dowager was with child.

The duke of Albany, though a Frenchman by birth, was a man of address and penetration.

Character of
the duke of
Albany.

A.D. 1514.

tion, and had therefore been at great pains to learn the true state of Scotland, the grounds of the divisions among its nobility, and all other matters that could enable him to acquit himself with credit in his arduous post. He was secretly dissatisfied at the delay that had been thrown in his way by the late king; and he had, for some time before his election, entered into a correspondence with Hume, and the other heads of that party. The politics of Francis the first, with regard to England and Scotland, were very different from those of his predecessor; nor had he the same connections with Henry. He therefore considered the election of the duke of Albany into the regency as a fortunate event for France; and as it had been confirmed in a parliament which had met on the thirtieth of March (according to Lesley) 1515, he resolved that the duke should lose no time in taking possession of his new dignity.

1515.

He settles
prelimina-
ries with
the Scots.

The preliminaries which the duke had insisted upon, with regard to repossessing his own patrimony, were now to be settled, together with the form of government, his guards, and attendants, and various other matters, all which being agreed upon, de la Beaute (the same who I believe appeared in Scotland at the late king's marriage) was dispatched to take possession of the castle of Dunbar, which was to be garrisoned by the French till the duke's arrival

rival in Scotland. Henry, at that time, had a spy at the French court, one Croffene, who had cultivated an acquaintance with Cockburn, who either was, or pretended to be, bishop of Ross; and being disgusted with the French, offered to discover a conspiracy entered into against Henry, by which the city of Tournay was to be surprised, and, at the same time, the duke of Albany, after landing in Scotland, was to invade England. I find one Cockburn mentioned at this time, as being bishop of Ross; and it is certain that Croffene did communicate the information I have mentioned to Jerneghan, deputy-governor of Tournay for Henry; but possibly the whole might have been a fiction of Wolsey, to exasperate Henry against Francis, who wanted to deprive him of the rich bishopric of Tournay. There can, however, be no doubt that Henry was persuaded of the truth of this conspiracy, because his own letters are yet extant, in the president Lamoignon's library, flatly accusing Francis with having entered into such engagements with the duke of Albany.

As Henry, at this time, was entirely under the influence of Wolsey, that insolent favourite may be said to have held in his hands the balance of Europe. De la Pole, who was head of the Suffolk family, and next heir to the crown of England, after the Tudor race, was then in Denmark; and Wolsey either received,

A conspiracy.

A.D. 1515. or pretended to receive, intelligence that he was to invade England, in conjunction with the duke of Albany, if Henry should attack France during the expedition which Francis had undertaken to Italy. Francis had no intention to employ de la Pole, and far less to break with Wolsey, whose power over his master was of so great consequence to his affairs during his absence. He was in hopes of recovering Tournay by his means; and entering into a strict correspondence with him, actually procured him a cardinal's hat. This is the true reason why Henry did not insist upon the duke of Albany's being detained in France. As he saw nothing but through Wolsey, the latter gratified Francis, in not insisting upon that point. The absence of the regent was productive of the greatest miseries among the Scots. They knew no principle of government; family animosities were revived, and the whole kingdom became a scene of rapine and bloodshed. The general bent of the nation, however, lay against the Douglasses and the English interest.

Generosity
of king
Henry.

As to Henry, being a generous and a kind brother, he did not resent either the marriage of his eldest sister with the earl of Angus, or of his youngest sister with the duke of Suffolk, both of them noblemen of similar accomplishments; but he certainly did not, at this time, exert

exert himself sufficiently for the queen of Scotland and her husband. They apprehended, that they must at last give way to the popular storm raised against them; for early this year, they provided for themselves and their friends an asylum in England, by obtaining safe-conducts for that kingdom; that of the earl was for himself and three hundred attendants; that of his uncle, the abbot, was for himself and thirty; and one was issued for the lord Maxwell, with the like number. The queen continued to exercise some powers of regency till the arrival of the duke of Albany; for on the fifteenth of January this year, she appointed the abbot of Aberbrothwic to the vacant bishopric of Dunkeld; and, by her brother's assistance, it was confirmed to him by the pope. The enemies of the earl of Angus (I think very properly) complained of the abbot having violated the laws of his country, by accepting of a bull from Rome; and Andrew Stuart, who was prebendary of Craig, and brother to the earl of Athol, nearly related to the royal family, was chosen, or, as the Scotch canonists term it, postulated, bishop by the chapter. This opposition cost the abbot dear; for he was afterwards accused of receiving the bulls; and, being found guilty, he was carried from prison to prison, and lay for a year confined in the castle of Edinburgh.

The

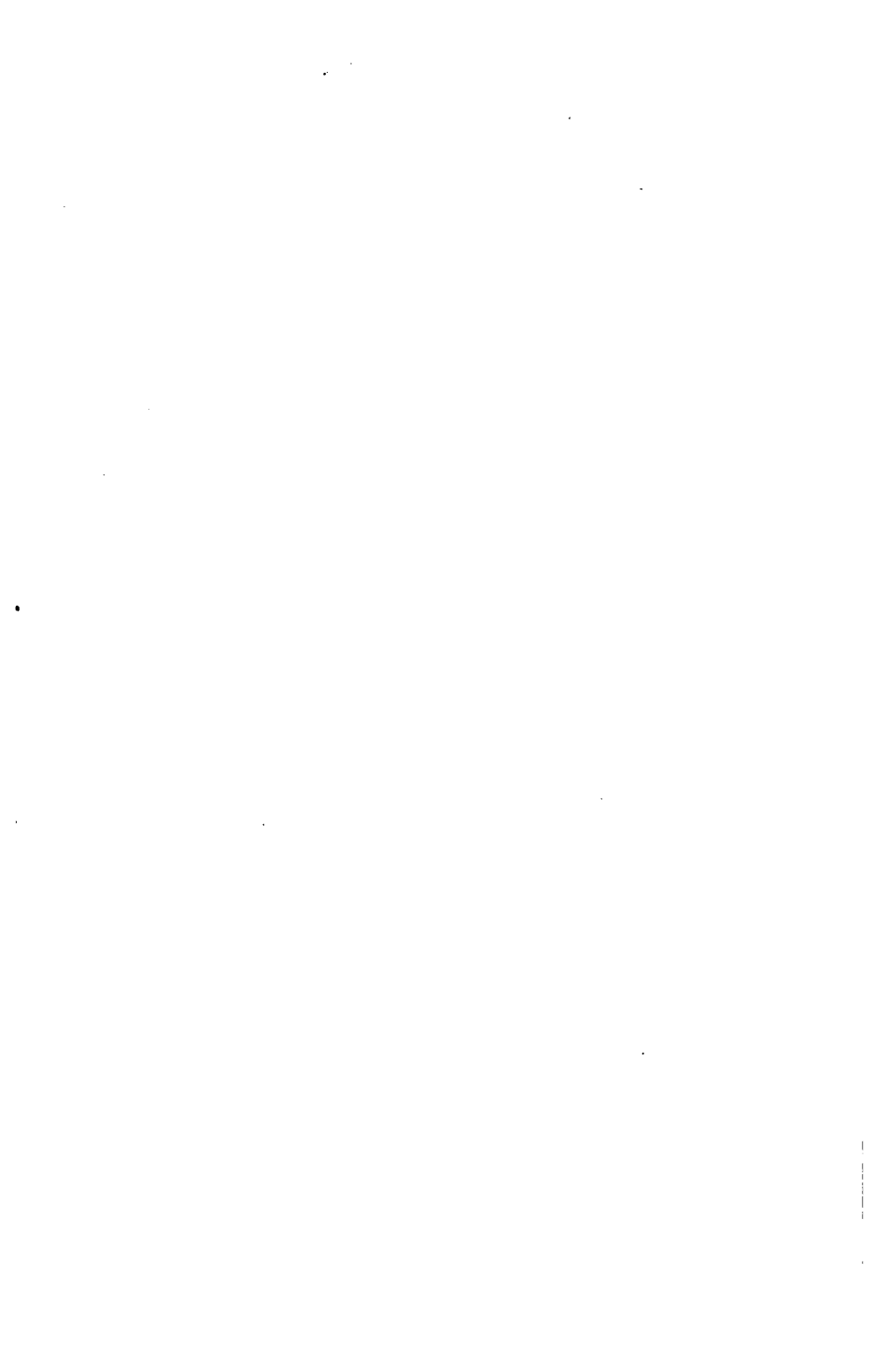
A. D. 1519.
A treaty
concluded,
in which
the Scots
are com-
prehended.

The seeming good understanding now restored between Francis the first and Wolsey (for the latter still harboured revenge in his heart) produced a renewal of the treaty that had been concluded in the reign of Lewis the twelfth between France and England; and the Scots were admitted to be parties on the same terms as before. On the third of May (the treaty being finished on the fifth of April) an ambassador arrived in Scotland from France, to demand the resolution of the states as to the comprehension. Their answer accepted of the comprehension, and was signed by the archbishop of Glasgow, again chancellor, the bishop of Lismore (or of the isles) the earls of Angus, Argyle, Arran, Errol, Morton, Eglinton, the lords Hume, Semple, Ross, Erskine, and Lester, the prior of St. Andrew's, the abbots of Holyrood-house, Pasly, Cambuskenneth, the postulate of Dumfermling, Gavin archdeacon of St. Andrew's, clerk of the council and register, Sir Patric of Cranston, Sir Andrew of Celsford, Sir Andrew of Farnihurst, and others. Whether this meeting of the states was called by the queen or the duke of Albany does not appear, but I am inclined to think by the former. This accession of the Scots to the treaty between France and England, put an end to all the difficulties of Francis with regard to the duke of Albany's voyage to Scotland; and that he might

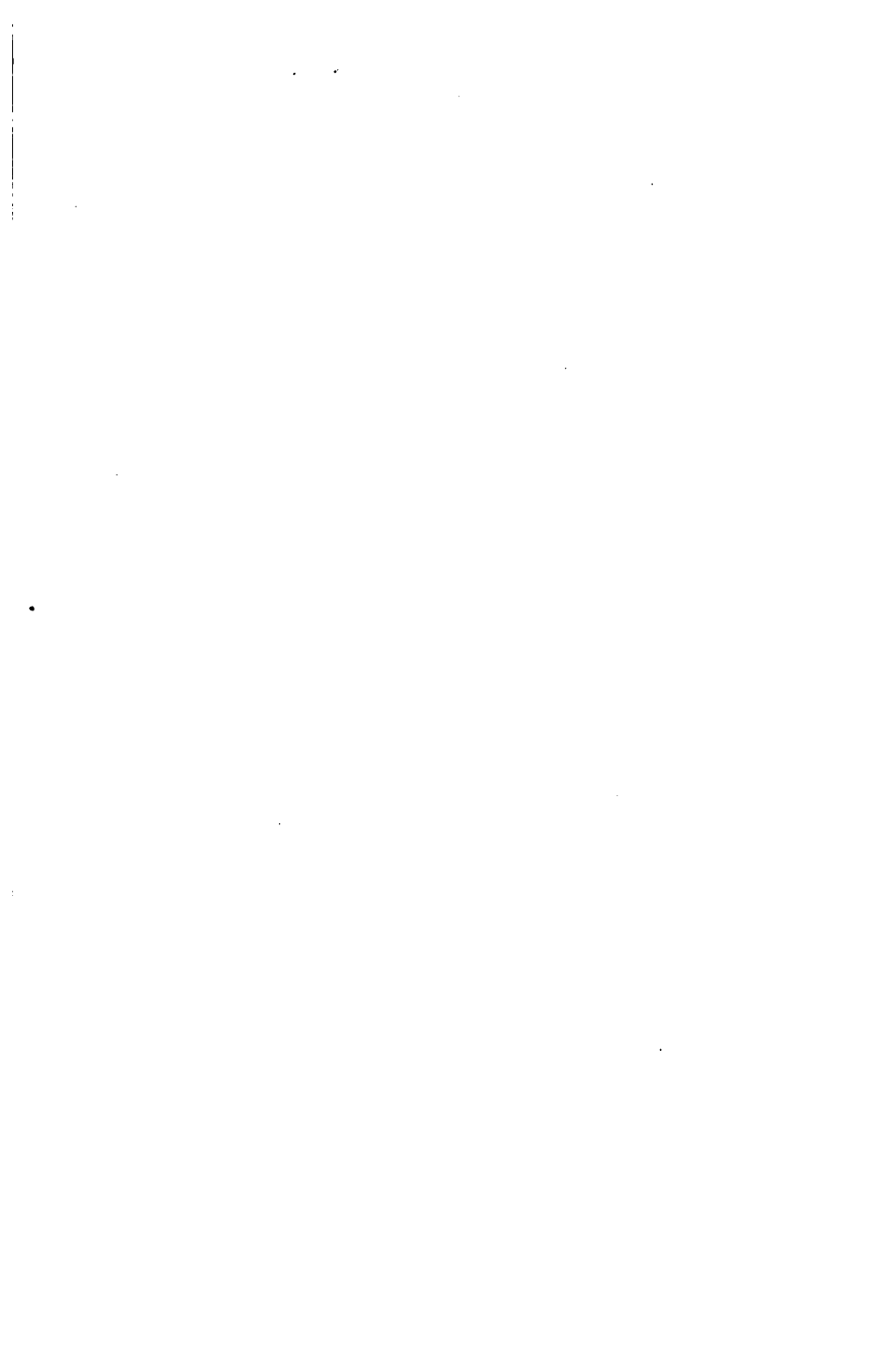
might enter upon his regency with the greater lustre, he assigned eight ships of war, nobly manned and fitted out, for his passage, and five hundred men for his guards and attendants, with whom he landed at Dumbarton on the eighteenth of May. A. D. 1513.

END of the FOURTH VOLUME.

SM
OF



MS
of



MAR 1 3 1967

